

19th December 1922]

(e) Proposals in connexion with the matter have been under consideration for several years past, but it is one beset with many difficulties.

(f) The proposition in question is under examination with the rest.

Cost of Survey, Settlement and Land Record operations in Tanjore district.

611 Q.—MR. T. SOMASUNDARA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state the cost of Survey, Settlement and Land Record operations in the Tanjore district for the introduction of resettlement up to date, and also the probable expenditure in connexion with the same till the work is closed in the district?

A.—The hon. Member is referred to G.O. No. 1730, dated 23rd September 1922, which is placed on the Editors' Table. No further information is available.

II

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

The hon. the PRESIDENT:—"I have to inform the House that the Madras Port Trust (Amendment) Act, 1922, which was passed at the meeting of the Council held on the 17th November 1922, has received the assent of His Excellency the Governor on the 14th December 1922."

III

COMMUNICATION TO THE COUNCIL.

The SECRETARY laid on the table the * proceedings of the thirteenth meeting for 1922-23 of the Standing Finance Committee of the Madras Legislative Council held on the 9th December 1922.

IV

(1)

THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL, 1922—*cont.*

The consideration of the Madras Hindu Religious Endowments Bill, 1922, was then resumed.

Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"Mr. President, I rise to support the Hindu Religious Endowments Bill introduced by the hon. the Raja of Panagal. More than a hundred years ago, the maladministration of our religious and charitable institutions attracted the attention of the Government and they were pleased to pass Regulation VII of 1817 for rectifying the defects in their administration then brought to notice. I should say that they succeeded. For, during the next 50 years we did not find any instance of any gross neglect or maladministration. But after the lapse of half a century some agitation was set on foot both in England and in India in connexion with what was said to be the Christian administration of a Hindu religious institution. That objection gained weight and it resulted in the passing of Act XX of 1863 under which the Board of Revenue was deprived of its powers of superintendence over religious institutions and committees of various kinds which were constituted at the time were invested with these powers. How this Act of 1863 has worked is within the knowledge of every member of this House and the general public also. It abounds with various defects and various irregularities, so much so that nobody has a good word to say about it. The principal defects in that Act have been set forth at length in paragraph 2 of the

[Mr. T. N. Sivagnanam Pillai]

[19th December 1922]

Statement of Objects and Reasons. I can, if necessary, quote individual pending instances of the defects enumerated therein. I think that if the Bill is not brought into force soon, the committees and trustees in my district—I may state here that I am myself a Devasthanam Committee member—will have to go to court to settle their disputes, and I maintain that this Bill has not been brought one minute too soon. As it is, my sympathies are indisputably with this Bill.

“But there is one point of vital importance wherein I differ from the framers of the Bill. That one point is the one on which many hon. Members have already spoken. It is about the application of the surplus funds of the Hindu religious institutions. So far as clause 32 is concerned, I should say that it is not necessary to have it. We have a provision already in the Local Boards Act to the very same effect, and the principle of it has not been disputed. So, it will be superfluous to insert that clause in this Bill.

“I also protest very strongly against clause 33. It supposes that our religious institutions yield a large surplus profit, and that people who administer these institutions do not know how to use these profits. As a matter of fact, I may tell this House that none of the Hindu religious institutions I know of have any surplus funds. The arrangement according to which the temple funds are expended has been based for a long time on what is known as the ‘kind’ system. If the temple is to be conducted on good lines, so many coconuts per day, so much rice and so much of other things are required, all in kind. The House is perfectly aware that the value of these articles has increased from 20 to 50 per cent and labour also has become very dear. In early times, devotees carried the idols from place to place free of cost. Then came a time when people had to be engaged for this purpose. As rates and wages were low in those days, that did not matter. But now it costs a lot to carry an idol from one place to another or along the four streets of the same place in procession. In these circumstances, it can be realized that there is hardly any surplus fund left. But even if there is any, I want to know what necessity there is for diverting it to other purposes. There are funds administered by the missionaries, there are funds administered by Muhammadan gentlemen, and none of these have been indentured upon for these other purposes. It is only when it is finally decided that all religious institutions, whatever may be their nationality or form, ought to contribute to these purposes that this question can be taken into consideration. At present, there is no such necessity. Moreover, our temples were constructed two or three hundred years ago and are in a bad state of repair. Some are even crumbling to pieces, and it is not possible for the trustees to carry out repairs to the satisfaction of the worshippers. Such repairs, etc., are mentioned in the old *thittams* themselves. Therefore, I say there cannot be any surplus fund which can be diverted to other purposes. Even should there be any surplus left, it would be public policy not to divert those public funds to purposes other than those of the same nature as was intended originally. If a temple in any one place has surplus funds, they may be transferred to another institution near by, which is in a state of dilapidation. For these reasons, I object strongly to that clause in the Bill. As regards the rest of the Bill, I am in perfect unison with the hon. the Raja of Panagal.

“One more suggestion, however, I should like to make. This is with regard to *mutts*. This is the first instance when *mutts* are brought under legal enactment. Hence, it is necessary that the provision as regards the *mutts*

19th December 1922] [Mr. T. N. Sivagnanam Pillai]

should be embodied in a separate chapter. At present the word '*mutts*' occurs here and there, and one does not know what the several provisions are that relate to *mutts*. Similarly, references are very meagre as regards hereditary trustees. My own humble opinion is that, with reference to these, three separate chapters may be given—one for *mutts*, one for non-hereditary trustee endowments, and the other for hereditary trustee endowments.

"There seems to be some misapprehension that, as regards the management of temples, people professing one particular form of faith will be put in charge of temples belonging to a different form of faith. To remove that misapprehension, I would suggest that in clause 10 (c) the words 'professes the Hindu religion' may be so modified as to take in 'that form of Hindu religion for which a committee is appointed.' That, I believe, will meet the needs of the case.

"In clause 13 (4) power is reserved to the Local Government to decide which of the two competing members who have put in an equally long service should be appointed president. That is a very simple matter; and, following the procedure that is adopted in municipalities, the thing should rather be settled by lot.

"In clause 22 (3) power is reserved to the Local Government for disposing of appeals. This will simply flood the Local Government with appeals. A provision similar to the appellate court appointed under the Municipalities Act, or the Commissioners appointed to dispose of objection petitions in respect of elections, may therefore be introduced.

"In clause 21 (1) it is said that the non-hereditary trustees should not exceed three in number; but what is to be done in the case of an existing institution where there are more than three trustees? I know of an instance where there are six trustees, that is in the temple at Tinnevely. There is another temple which has five trustees, and another four. Here too the elimination may be done by the process of casting lots.

"Clause 24 and clause 30 (3) give powers to the civil courts to decide disputed matters, that is, to put the trustee, who has been declared to be the lawful trustee, in possession of the properties of the endowment wherever necessary. Then it is also provided that the committee should get its funds through the civil court in case the trustees refuse to hand over money. I suggest for the consideration of the House that temple money need not be indented upon in the way of costs. So a provision may be inserted that, in respect of these two cases, the process issued by the court should be without any cost to the temple. If the civil courts' income suffers on that account, I would suggest the payment of a small amount of Rs. 10 or so.

"Under clause 40, it is proposed to eliminate, or to keep out of consideration, all religious institutions which are in receipt of a gross income of less than Rs. 250 per annum. Looking into the list that I have with me, I find that out of 236 temples in the Tinnevely district, nearly half come under this class. Most of these temples are situated in unions, in municipalities, and in other big places and many of them have very valuable lands. When once you exclude them from the purview of the Bill, as sure as anything, the trustees will make money out of them and nobody knows what will become of them. I, therefore, suggest that all the temples, which are now under the supervision of the temple committees, ought to be retained, or at least the proviso to that clause may be so amended that the Local Government can allow them to be taken in on the application of particular committees.

[Mr. T. N. Sivagnanam Pillai] [19th December 1922]

"Clauses 25 and 26 deal with duties and clause 22 (1) deals with punishments. It would be in the fitness of things if the clauses are arranged in such a way that the punishment follows the duties enunciated.

"Again, it is said that when there is a difference of opinion between the committee and the temple trustees as regards appropriation of funds, etc., the matter should be taken to the civil courts. I think that this is altogether unnecessary, and by particular modifications of the provisions of this clause it ought to be possible to say that where the committee has decided something at a meeting attended by more than three members, that decision should prevail. Similar provisions are to be found in other Acts.

"As regards the schedule, there is a conflict between my personal opinion and the opinion of my constituency. I say that the provision that is inserted there to bring down the voters' qualification to Rs. 20 is a step in the right direction, but many of the members of my constituency think that this will be very difficult to work and suggest the raising of that figure. I leave that matter for the consideration of the House.

"As regards *mutts*, it was said yesterday that both on principle and from considerations of practicability, it is not possible to work those *mutts* which hold properties in various districts. As a matter of fact, the note to one section in the present Bill clearly lays down that ordinarily the unit of administration will be a district. So where the necessity for bringing together more than one district is established the Local Government will necessarily see to it. As regards practicability it was said that the property of one *mutt* may be in this presidency as well as in other presidencies. If we take care of the property in our presidency, I am sure that the Legislative Councils of other provinces will take care of the property in theirs.

"There seems to be one small defect in the Bill. I have read the Bill carefully and I find that there is no provision regarding the method of punishment for servants who get their remuneration, not in cash, but in the shape of lands and other perquisites. We had an instance in the case of the Madura temple where all the *purohits* and others who did *pooja* in the temple were paid, not out of temple funds, but from endowments which had been placed at their disposal for a long time. How they are to be dealt with has to be stated in the Bill.

"Only one other point I have to mention, Sir. There seems to be an impression that the Bill is being rushed through. In fact when I read the Bill cursorily, I was also of the same opinion, but having gone through the Bill carefully I say that there will be no justification for adjourning the discussion of the Bill. If we take it up now, by the time it passes through the select committee stage, there will be time enough for any person interested in the matter, either individually or as the representative of any association, to bring his suggestions to the careful consideration of the committee, and I am sure that the select committee will go into all such representations in time. Another request I have to make is that the select committee should be made as representative as possible so that all sorts of views may be focussed. One other request is that the select committee should also consent to examine expert witnesses where necessary.

"With these words, I give my hearty support to the Bill."

Mr. S. ARPUDASWAMI UDAYAR:—"Mr. President, while rising to support this Bill, I must in all fairness admit that my views are the views of

19th December 1922] [Mr. S. Arpudaswami Udayar]

an outsider, of one who can consider the Bill only on its non-religious bearings. Looking upon it as a piece of legislation, I think it is a bold attempt to remove all abuses and to give effect to the real intentions of the benefactors and the donors of the temples. The Bill aims at devoting all available funds to the purpose to which they were intended. This it does by bringing in the machinery entrusted with the distribution of funds in line with modern ideas, modern methods and modern needs and requirements.

“Round a temple is slowly formed a colony or settlement of the temple servants, cultivators of the temple lands, devotees, teachers, scholars and others. These settlements continue to grow until at last we have a populous city with several suburbs, with quarters for the rich, quarters for the poor, with shops and bazaars and fares, with roads and bridges and all other accessories of a modern town. Each cult stands for a certain ritual, has its feasts, its festivals, its processions, its pilgrimages which attract large crowds not only from the neighbouring districts, but from all parts of India, and even from Burma and Ceylon. Here the question arises of accommodating all the pilgrims, of facilitating the objects of their visit, of erecting suitable quarters for them and of improving the sanitation of the temple premises in order to avoid the recrudescence of any epidemic. For, should any epidemic break out, these pilgrims would carry the germs of the disease to several districts. The local bodies are certainly entrusted with the schemes of medical relief and sanitation, but still the extent of their endeavours is certainly limited by the length of their purse.

“Money has to be found for financing certain organizations which must be brought into existence in order to cope with the new demand. If money is diverted to these legitimate purposes I think that money will be regarded as being diverted to purposes allied to religion. My fear is that money will hardly be found for being diverted to such purposes, at least in some places. Surely it must have been the original intention of the donors or the benefactors that the objects which they sought to accomplish could be carried out only under certain environments, under certain conditions and under a certain kind of atmosphere. If they could come out of their graves and see how the income from endowments is wasted in unprofitable and costly law suits and how it is squandered away in personal extravagance and luxury, I think they would ardently desire that a Bill like this should be introduced so that every rupee derived from the endowments might be devoted to the purposes for which they were intended under such suitable conditions as are indispensable for the realization of the objects they had in view. Some of my friends have apprehensions that the funds of these institutions may be diverted to the benefit of other communities. I may assure them that they need not entertain such apprehensions. They may very well leave the other communities severely alone and especially the community which I represent. The hon. Member, Mr. C. R. Reddi, made a beautiful profession of faith in the efficacy of a cosmopolitan scheme, a scheme of all-embracing charity. I think that, as matters stand, the trustees of several temples do not find funds enough for making the necessary repairs. In this connexion I may refer to the resolution tabled by the member from Trichinopoly, requesting the Government to take immediate steps to repair the Srirangam temple. Here is a celebrated Hindu shrine, which attracts large crowds from all parts of India, Burma and Ceylon, but which has not funds enough for making the necessary

[Mr. S. Arpudaswami Udayar] [19th December 1922]

repairs. So if instead of discussing the question of diverting the surplus revenue of the temples to the benefit of other communities, my friends would but refrain from diverting the tax-payers' money to purely denominational purposes, I think they would be conferring a real boon on those communities. The Bill provides also for the collection of records, documents and other materials indispensable for the maintenance of accounts on up-to-date lines, for periodical audit and so on. These things are absolutely necessary even for the compilation of accurate historical reports.

"It is indeed a sign of the times, and a manifestation of the new spirit or movement, a sort of renaissance, which, I believe, is sweeping over this province, that a non-Brahman Ministry should introduce this purely liberal measure for the proper expenditure of the incomes from endowments left chiefly I think by non-Brahman benefactors and mostly under the management of the non-Brahmans. The hon. the Minister for Local Self-Government has to be congratulated on the bold step he has taken and on the firmness and decision he has shown in introducing this measure in order to eradicate an old evil."

Mr. M. SURYANARAYANA PANTULU :—"Mr. President, Sir, hon. Members who have spoken already have congratulated the hon. the Raja of Panagal on the measure he has introduced into this Council. Congratulations are certainly due to the hon. the Minister for Local Self-Government for introducing the Bill. There is no gainsaying the fact that religious endowments and religious institutions have not been managed in the manner in which they ought to be managed for a very long time. It will be very proper, indeed, if something is done now to mend matters.

"Hon. Members who have spoken already have apparently had experience of religious institutions in the south only and have probably not known of the religious institutions of the Northern Circars, more especially of the Vizagapatam district. Coming, as I do, from Vizagapatam, and knowing, as I do, the religious institutions of Vizagapatam, managed by the Maharaja of Vizianagram, I submit that the clauses which relate to the committees and their constitution ought to be revised very materially. For instance, clause 5 says :

The Local Government may, by notification, direct the constitution of a committee for any local area,

"thus making it possible for the committee being constituted over all the institutions, religious and charitable, under the control of the hereditary trustee, the Maharaja of Vizianagram. But the proviso says, 'Not more than one committee shall have jurisdiction over the same place of religious worship or religious instruction or the endowments and properties connected therewith.' In the Vizagapatam district there are important religious places like Simhachalam, Srikarnam, Ramatheerthalu and Panchdharlu. Some of the institutions in these places are endowed very liberally and some of the institutions are not endowed to the extent to which they could have been endowed. There are some institutions which are not endowed at all. If there is to be one committee having jurisdiction over each temple it will be very difficult for a hereditary trustee to manage these devasthanams in such a manner as to be profitable to all the institutions. I know for a fact that the emoluments of the Simhachalam devasthanam are utilized not only for the Simhachalam temple but also for other temples in the district which are not endowed to the extent to which the temple at Simhachalam has been

19th December 1922] [Mr. M. Suryanarayana Pantulu]

endowed. If there should be one committee for the Simhachalam devasthanam it may not be possible for this committee to do anything for these other temples in the same district which are not liberally endowed. It may not be possible for the hereditary trustee to divert the funds of the Simhachalam devasthanam in respect of other religious institutions. The Bill therefore should be remodelled in such a manner as to make it possible for one hereditary trustee to have the sole management of all the temples under his control, the committee being entrusted to have jurisdiction over all the temples under that hereditary trustee. Clause 13 says:

Every committee shall elect one of its members to be its president.

“Whatever may be said with regard to the constitution of the committee itself it seems to be absolutely necessary that the President of the committee should at least be of the same religion as the temple which he represents.

“Coming now, Sir, to clauses 22, 29 and 37 which are some of the important clauses in the Bill: Clause 22 defines the circumstances under which the committee may remove or dismiss a non-hereditary trustee. In clause 37, we find that any person having an interest in any religious endowment may institute a suit in the court to obtain a decree appointing or removing a hereditary trustee. But the circumstances under which the person having an interest may institute a suit for the removal of a hereditary trustee have not been indicated. Although clause 22 says that a non-hereditary trustee can be removed, or dismissed, for persistent default in the submission of budgets accounts, reports or returns, etc., there is absolutely no attempt made in the Bill to specify the circumstances under which the hereditary trustee can be removed from his office. What is the meaning of saying that a person may institute a suit for appointing or removing a hereditary trustee without mentioning the grounds which a person will have to allege as preliminary to obtaining such a decree? I do not think it will be safe for us to rely merely upon the court. If a matter should go before a court upon what should the decision be based?

“Another provision in the Bill which seems to me to be a drastic measure is sub-clause (2) of clause 23. It says:

The committee shall, in cases of dispute or doubt, determine whether a trustee is disqualified and its decision shall be final.

“The reasons for which a trustee shall cease to hold office are mentioned in sub-clauses (a), (b), (c) and (d). Sub-clause (b) says:

If a man becomes of an unsound mind, or a deaf-mute or suffers from contagious leprosy.

“The other sub-clauses deal with persons who have been sentenced or adjudicated insolvent by courts or who have ceased to profess the Hindu religion. Doubt may arise only with regard to sub-clause (b), viz., whether a person is suffering from leprosy. The sub-clause says that a trustee shall cease to hold office, and the committee shall, in cases of doubt or dispute, determine whether a trustee is disqualified, and that decision shall be final. It looks very drastic that the committee should be given absolute power to decide whether a person is suffering from contagious leprosy or not.

“Clause 35 says that the Local Government may make rules altering, adding to or cancelling any of the schedules to the Bill provided the draft of the rules proposed to be made are laid on the table of the Legislative

[Mr. M. Suryanarayana Pantulu] [19th December 1922]

Council. But with regard to the original rules themselves there is no such protection. The Government may make rules, and, of course, they will be published. But why not the rules made by Government under clause 34 be placed upon the table of the Legislative Council? The same concession that is allowed in the case of the drafts altering or modifying the rules may be allowed in the case of the original rules also. This means that the power of making rules shall remain with the Council and not with the Government alone.

" Clause 29 of the Bill says that the trustee can fix the scale of expenditure. Well, for what period can that be done? Supposing the committee fixes a scale, is it to continue for all time? This should to be made clear. As Mr. Sivagnanam Pillai has said, it seems also that separate chapters should be devoted to separate matters—hereditary trustees, non-hereditary trustees and so forth. On the whole it seems to me that a large number of the provisions of this Bill have to be amplified, and unless this is done I am afraid that the useful purpose which the Bill is intended to serve will not be realized. With these words I support the introduction of this Bill."

Rao Bahadur P. C. ETHIRAJULU NAYUDU :—" Mr. President, Sir, for the better governance and administration of Hindu religious endowments in this Presidency the hon. the Raja of Panagal has brought this comprehensive Bill after a good deal of thought and study, for which he deserves the whole-hearted congratulations of this Council which represents the people of this Presidency. It need not be repeated that there is widespread dissatisfaction with the management and control of religious institutions falling under sections 3 and 4 of the Government of India Act of 1863. This Act is hopelessly deficient in checking the abuse and maladministration of the trust properties, and several committees, appointed between 1874 and 1894 to report upon the state of the existing law and make suggestions for its modifications, have, for some reason or other, fallen through. The principal defects in the working of this Act of 1863 are: (1) There is no provision in it for the supervision of the large and important class of endowments referred to in section 4 of the Act. (2) The system of suit by parties interested is costly and has proved inadequate to guard against dishonesty on the part of the trustees and members of committees. (3) The powers and functions of committees are not defined with sufficient precision. (4) There is no provision enabling the committees to raise funds for the purpose of carrying out their duties. (5) Committees cannot enforce their decisions save by regular suits to carry out their orders. (6) Members of committees hold office for life and cannot be ousted save by suits. (7) There is no provision in the Act for periodical audit of the accounts maintained by the trustees. The present Bill remedies all these and other defects, and embraces the whole subject of Hindu religious endowments in this Presidency.

" The main object of the present Bill is to ensure the efficient administration of the Hindu religious endowments of this province. The Bill provides for regularly constituted committees to supervise and control the management of the religious endowments. The members of such committees will be partly elected and partly nominated. Their term of office will be limited to five years in place of the life membership provided in section 9 of the Act of 1863 which is acknowledged on all hands as one of the serious defects of the Act. Provision has been made to secure that the committee maintains properly registers of endowments over which they are to exercise supervision

19th December 1922] [Mr. P. C. Ethirajulu Nayudu]

and records of the origin and history of the endowments committed to their care. Presidents of committees are vested with definite powers to inspect the moveable and immovable properties of the managements and also their records. There is also a provision to levy contributions from the endowments to meet the expenses of the committees. Government have wisely reserved to themselves the power of making rules to enable the committees to control the establishment and interfere with the internal affairs of the administration of temples and mutts. Above all, the decision of these committees is wisely declared final, with the result that we shall have little of the costly pastime—I mean the wasteful litigation, a luxury hitherto indulged in rather too frequently by the trustees and managers of these temples and mutts on account of factions or sectarian reasons.

“There are one or two provisions in the Bill which are to all appearances revolutionary in character, but which are nevertheless intended for the good of the public, and which on that account alone should be hailed with great enthusiasm all over the province. The first of these provisions is that which requires the trustees to contribute to the local bodies from their funds for making necessary sanitary arrangements like medical relief and water facility on occasions of fairs and festivals which attract a very large number of pilgrims, devotees and worshippers from all parts of the presidency. The second provision is that which allows the diversion of the surplus funds to such purposes as education, medical relief, etc. Nobody can say that this expenditure is an unjust or unreasonable charge on the funds of the temples and mutts. The power to order any such diversion of funds is vested in courts of law; but I would suggest that the power had better be retained in the hands of the Government so as to save time, delay and costly litigation. It is my desire that our courts should not be made the agency to decide issues of this kind. Many trusts have enormous surplus funds lying idle and it would be a blessing indeed to the province as a whole if they could be availed of for the purpose of promoting the welfare and prosperity of the people; and how welcome would it be just at this juncture when the provincial exchequer is empty owing to the iniquitous impost unjustly and arbitrarily levied by the Government of India on this poor though overtaxed province?

“As for the red rag which my friend the hon. Member from Cuddapah has mentioned, I should say to my hon. colleagues that if those souls could only appear with a physical body having tongues within their cheeks, they would certainly say, ‘Ye, Members of the Legislative Council, be blessed for having passed this Bill and twice blessed be the Raja of Panagal for having had the courage of his conviction to bring forward a Bill of this kind for rectifying the maladministration by trustees and managers of endowed properties.’ This Council, therefore, need not at all be afraid of the threat mentioned by Mr. Narasimhacharlu.

“The hon. the Raja of Panagal, the Chief Minister to the Government of Madras, whose broad-minded and sympathetic statesmanship it is hardly necessary for me to expatiate here, is to be warmly congratulated for the bold step he has taken in bringing about a reform which is so badly needed throughout India and more especially in our province which contains ancient, sacred and richly provided temples and mutts.”

MR. A. RANGANATHA MUDALIYAR :—“Mr. President, Sir, the hon. the Minister for Local Self-Government, while asking for leave for introducing

[Mr. A. Ranganatha Mudaliyar] [19th December 1922]

this measure, referred to the several attempts made in the past for improving the administration of the Hindu temples and the failure which attended every one of them; and many Members of this House rightly offered him their felicitations for introducing this Bill. All this shows, Sir, that the people of this country are prepared to accept a measure, imperfect though it be, when it comes from their own people, rather than when it comes from a Government which is foreign in its character even in a better form. The hon. Member from Cuddapah spoke for what I may call vested interests. I may be permitted to present the case of the people who are no less interested in the administration of these temples than the *matadhipathis*, trustees and people of that sort. I have had some experience of *mutts* and their working, and of temples and the way in which they are managed. Institutions of great fame, to which people from all parts of India come in large numbers, are being utterly neglected. The *matadhipathis* seem to be more intent on making capital of the ignorance and superstition of the people who resort to the *mutts* and the temples in their charge rather than minister to their comforts and needs. I would ask whether in these circumstances my hon. Friend from Cuddapah would like that these pilgrims should suffer."

Rai Bahadur T. M. NARASIMHACHARLU:—"I demur entirely to the statement made by my hon. Friend. The picture is not so bad as he depicts."

MR. A. RANGANATHA MUDALIYAR:—"I am speaking of these institutions from personal knowledge. I am thinking, for example, of the Srisaillam temple which is of very great fame throughout India. I have seen the *Matadhipathi* utterly indifferent to the interests of the poor pilgrims who come in very large numbers from all parts of India. The *Swami* in charge was openly auctioning the right of the people to have a *darsanam* of the idol and making money thanks to their ignorance, without caring in the least for their comforts.

"Sir, I would like that this Bill should go a little further in certain directions. There are *inams* endowed for particular purposes, for example, for worship in the temples. In the old days, the income from these *inams* was, perhaps, just sufficient to meet the cost of the offerings required to be made in the temples; but circumstances may have changed since then and the income from the *inams* may have increased beyond all expectations. The Government may have brought within the reach of these lands some irrigation sources and the lands yielding nothing before may now be yielding large profits. I would like in such cases that the Government should have the power of utilizing the surplus left after meeting the legitimate needs for the upkeep of the temples or for other charitable objects. Again there may be some services which in these enlightened days are not of a desirable character. I think the temple committee members should have the power of doing away with such services and utilizing the money available for better purposes. I refer to the institution of the dancing girls. I do not think that any good purpose is served by perpetuating this immoral institution. Again, alienations even by way of mortgages and leases should be strictly controlled.

"There are one or two things in this Bill which are rather objectionable in their nature. I refer to the system of nomination introduced in the composition of the committees. I am inclined to think, Sir, that if one-third of their number is filled by nomination, made presumably on the

19th December 1922] [Mr. A. Ranganatha Mudaliyar]

recommendation of the president of the committee, the probability will be that the views of the majority are likely to be defeated. Suppose there is a committee of 60 people. Forty will be elected and 20 nominated. If eleven of the elected people join the unrepresentative nominated people, then these eleven will have the power of defeating the desires of the 29 elected members. In other words the view of a progressive majority of the elected members will not prevail when the reactionary nominated members secure the support of a handful of elected people. This contingency I wish to avoid.

"Again, I do not like that there should be an interval of two years before the new Act comes into force. If the existing system is bad, the sooner it is ended the better. Surely two years seem to be too long an interval for the new system to come into operation.

"There are one or two minor things to which I wish to invite your attention. Clause 12 (2) says:

A member of a committee may resign his office by giving notice to the president, and until such resignation is accepted by the committee he shall be deemed to be in office.

"But no time has been fixed within which that resignation should be accepted. If the authorities responsible should be negligent and the resignation is not accepted in time, does it mean that the person in spite of his inclination not to serve should be compelled to do duty on the committee? So also the time within which a vacancy should be filled up requires greater precision. I do not like that the executive should come in to decide appeals. In all such cases the courts will be the proper institutions to decide the disputes. We are all interested in the separation of executive functions from the judicial functions and to go back on that accepted principle and introduce executive control over judicial functions seems to be a retrograde measure altogether. With these reservations I support the introduction of this Bill."

Mr. M. NARAYANASWAMI REDDI:—"Sir, I rise to support the principle of the Bill. The motion before the Council is for approving the principles of the Bill and sending it to a Select Committee in order that its provisions may be carefully examined and amended. The way in which the Bill has been received bears testimony to the fact that it has made its appearance just when there is an imperative need for it. I am sure the House has listened with great interest to the lucid and comprehensive speech which the hon. the Minister for Local Self-Government made yesterday in introducing the Bill. I feel bound to say that he deserves our congratulations. I venture to submit that this Bill is so important and so complicated that it should not be rushed through without a careful examination of each and every one of its provisions. The Bill saw the light of day only a fortnight ago, and many of its clauses are not as innocent as they seem. The proper course for the Government will therefore be to allow sufficient time for the public to send in their criticisms and suggestions.

"Coming to the merits of the Bill, I should like to make one or two observations. It is not known why the City of Madras has been excluded from the purview of the Bill. The statement made by my hon. friend, Mr. Namberumal Chettiyar, does not show that the people of Madras are averse to it. Neither the hon. the Minister in introducing the Bill nor my friend, Mr. Natesa Mudaliyar, expounded the reasons for exempting the religious institutions in the Madras City.

[Mr. M. Narayanaswami Reddi] [19th December 1922]

"Again, Sir, Muhammadan endowments have not been included in the Bill, and I find no real justification for it. As to the diversion of the surplus funds of these endowments to water supply and sanitary arrangements, clause 33 does not contemplate the limits within which such funds can be spent. My hon. friend, Mr. Ramalinga Reddi, suggested that there would be no harm if these funds are spent in any place without restriction. I am sorry I cannot share his views. It would be more appropriate to earmark the surplus amount of a particular temple to be spent for the benefit of the place where it is situated and its surroundings, as observed by the hon. the Raja of Ramnad.

"Coming to the hereditary trustees of endowments, I am of opinion that they are not much affected by the provisions of this Bill except that they will have to furnish reports and returns to the committee and have their accounts audited once a year by a certified auditor. It is true that many hereditary trustees who are zamindars have generously endowed religious institutions with their personal properties and their generosity has indeed been so great that the incomes of these temples to-day stand on an equal basis with those of their own estates as stated by the hon. Raja of Ramnad. With regard to the Tirumalai temple of my district, to which I have a special attachment, I wish to bring to the notice of this House that all the properties belonging to this temple were self-acquired and they were under the direct management of Government till the year 1840 when they were handed over to the Mahant of Tirupati (Sree Schadoss Jee Varu). No provision has been made in the Bill for an agency to inquire and decide whether the trustees of such institutions are hereditary or otherwise. Then again, clause 29 of the Bill does not place any obligation on the hereditary trustee to fix, in consultation with the committee, the scale of expenditure and the allocation of the funds to various objects connected with the endowments. It seems to me, Sir, that the word 'may', in line 2 of the clause, should be replaced by 'shall.' I should like also to point out that serious apprehensions are lurking in the minds of many that unless the budget estimates of the endowments are controlled by the committee the object of this clause will be frustrated.

"As to the disqualification of a trustee to sit on the committee which has jurisdiction over the endowment with which he is connected, I can only say that it is sound in principle, and that the complaint raised by the Raja of Ramnad that a particular class of people have been deprived of certain privileges on account of their birthright has no foundation.

"The inclusion of mutts in the provisions of this Bill will give rise to frequent quarrels among the followers of the different faiths and will hinder the smooth working of the Bill.

"Clause 32 (2) requires the leave of the Collector for any interested person to institute a suit, and sub-clause 3 says that his orders shall be final. This I believe will throw obstacles on the way of the person who likes to see that these institutions are set right. The status of Collectors should, as my hon. friend, Mr. Ratnaswami, said, be reduced to the position of a mere bill collector.

"With these words I support the Bill."

MR. K. SARABHA REDDI :—"Sir several hon. Members of this House seem to denounce the idea of bringing the management and administration of the various religious mutts of this Presidency within the purview of this Bill.

19th December 1922] [Mr. K. Sarabha Reddi]

We noted with interest and with no less an amount of amusement the phantasmagoria presented in the speech of my hon. friend, Mr. T. M. Narasimbacharlu as well as the magic wand supplied by the speech of my hon. friend, the Principal of the Pachayappa's College. From all I could gather from the speeches of these gentlemen I am forced to think that their mental vision is pinned to the good old times when the mutts were first founded and worked. The mutts then were quite different from what they are now. The establishment and paraphernalia attached to them are quite different from what they were in those days. Then the head of the mutt was one who commanded the universal regard of all his co-religionists in virtue of his profound knowledge of religious matters and his high spirituality. He was generally a man who was well-versed in all the Sastras. But what is the condition of the mutt now? Who is its head? And what is the work he does? Very recently, the Matathipathi Sri Jagathguru Sankaracharya of the Pushpagiri mutt was most brutally murdered by one of his own retinue about half a dozen miles off from my place. The very next day, a servant of his who was doing no other work than washing his clothes and cleaning his vessels was installed on the *peetam*, and he is now called the Jagathguru Sankaracharya of Pushpagiri mutt. The only qualification I know him to possess is that he remained a bachelor till the time of his installation and will remain a bachelor all his life-time. The retinue of Swamiji now are none but a legion of the most illiterate and idle Brahmans. His paraphernalia consists of elephants, horses and such other costly things. As for the work the mutt is doing, it is simply nothing but exacting large sums by illegal means from the unwilling Komaties and lavishly spending the same in feeding the most idle and undesirable Brahmans. No preaching is done, and no work for which the mutt was originally intended. Are we to sit still and allow such vagaries to be committed by the so-called religious mutts? I think it is high time that we should implore the aid of Government to set matters right and improve the condition and working of these mutts by means of legislation.

"The cancellation of the provision that enables a member of a religious committee to be a member for life is most welcome. We have to thank heartily the hon. the Raja of Panagal for having introduced the Bill now and for his attempt to confer a real boon on the Hindu population of this Presidency.

"With these remarks I heartily support the Bill."

Sriman SASIBHUSHAN RATH Mahasaya :—"Sir, I shall not begin by congratulating the hon. the Minister as many have done. I shall reserve that congratulation to the end. While many have congratulated him for introducing the Bill they have also criticised the Bill from beginning to end. There has been such opposition to the Bill in quality and quantity that it cannot be ignored.

"Sir, there are two aspects to be considered in religious endowments. They are : the religious aspect and the financial aspect. I think the Bill provides for the better administration of the properties of the religious endowments, but the provisions with regard to the religious side of the thing have not been properly framed. The committees and constitutions that are proposed to be brought into being are allowed not only to manage the financial side of the religious endowments, but they have also been given power to

[Sriman Sasibhushan Rath Mahasayo] [19th December 1922]

intervene in religious matters. It may be that these committees will interfere in the daily routine of duties, in the *poojas* and *archanas* and *upasanas*, and that will create a stir in the country which the framers of the Bill do not anticipate at present. The committees will be constituted of men belonging to different religious sects. It is said 'those that profess the Hindu religion can be elected'. I think the depressed classes also profess the Hindu religion. Mention was made of this yesterday by one of the speakers. There is considerable difference of opinion on that matter. Many of us have departed from our old ways and religion does not represent the religious views of its constituents. Moreover, the Bill having been brought for discussion in hot haste, we have not been able to find out the opinions of our constituencies. We should see whether the orthodox people of the country will really like a Bill that provides for the admission of depressed classes into the committees. Some will say that a reform has to be undertaken. Mahatma Gandhi is trying to remove untouchability by the cult of non-co-operation, and this Bill tries to effect that probably through-out religious institutions. I should consider it a very bold step on the part of the hon. the Minister to have effected this reform. But this reform which is attempted in the matter of elections is taken away in another place. For instance, clause 38 says that any person who has a right of attendance at the performance of service will be considered to have an interest in religious endowments and that person only will be allowed to institute suits (clause 37). It would have been consistent with the previous provisions if the framers of the Bill had put it as 'any person who professes the Hindu religion and who has an interest in the temple.' What is given with one hand is taken away with the other.

"Then, a *Shaivait* temple may come to be administered by the *Vaishnavites*. The members of the committees may starve the temples. They may divert monies to other purposes and may not allow money for the routine ceremonies of the deities in the temples. I hope it is not sought to bring together all the sects of the Hindu religion and form a democratic religion for the country through the instrumentality of this Bill. Therefore, I think that there is a real need for defining the word 'Hindu' in the Bill.

"With regard to the diversion of surplus funds for sanitary arrangements, I do not know why such a thing should be allowed when local bodies have got the power to levy a pilgrim tax. If there is a temple in a municipality, and the municipality takes away all the pilgrim tax, why should the temple be asked again for funds to make arrangements for the pilgrims that assemble there on special occasions? The municipality or the local board that is given the power to collect the pilgrim tax should also make arrangements for the pilgrims that gather on occasions. We want a Bill; we know that there is mismanagement; we know that there is misappropriation and misuse of temple properties. But whether the present Bill is an adequate remedy is the question that has to be considered. The Bill requires large modifications in almost every clause, as has been pointed out by several speakers. I hope therefore that in the select committee stage due opportunity will be given to the people to express their opinions on the question, and that the Select Committee will be so composed that people may not say that the whole thing has been done in hot haste to serve some purpose or other. With these remarks, I support the Bill."

19th December 1922]

Mr. G. VANDANAM :—“ Mr. President, I want to speak on two aspects of the Bill : one is the patriotic spirit of the Hindu community as shown in bringing forward and supporting this Bill ; the other is that this is one of the advantages which the Reform Scheme has conferred upon us to tackle certain problems engaging the minds of our people. As we know, for a long time some of our Congress leaders and some of our great political and social leaders wanted a reform of this kind. Several public as well as private Bills were introduced, but those Bills were not accepted because they were either too wide or they were not consistent with the benevolent neutrality of the Government. Therefore neither the Government nor the private people were able to effect the much-needed reform. But when this question has been transferred to the transferred list of subjects and a popular Minister has been enabled to handle it, he has taken the first opportunity to bring in a Religious Endowments Bill to set right the mismanagement that has been going on in the administration of religious endowments. Therefore in giving effect to this idea of trying to set right the mismanagement of religious endowments, the Reform Scheme has been of great benefit to us.

“ On the other side, we see the patriotic spirit of the Hindu community. Anybody may raise the legitimate question : ‘ Why should the surplus funds of the Hindu religious institutions alone be diverted for the use of others, and why not the funds of other religious institutions be diverted for the use of the Hindus ? ’ As a matter of fact this question calls for large-heartedness and a great patriotic spirit from the Hindus. If members of the Hindu community in this country do not show such a great patriotic spirit, and show that they are devoting the surplus funds of their institutions to objects beneficial to all people, I am sure that the Hindu community may lose the great lead that it already possesses. We have been hearing a good lot about Hindu-Moslem unity. Of course, it is good in its own way, but I am sure that to bring about a sort of union, such practical acts and such practical examples of benevolence will go a great way.

“ There has been a good deal of criticism about the provision in the Bill that some of the funds of one religious institution may be spent in different places or for purposes other than those intended by the donor. The objections have their weight. But when nothing has been done for the improvement of the institutions all these years, and when there has been so much mismanagement (and perhaps some may venture to say misappropriation) of funds, would it not be better that, instead of allowing this mismanagement and misappropriation to go on, these funds are devoted to some benevolent purpose such as medical relief or sanitary assistance, or educational improvement, which will confer an advantage not only upon a large portion of the Hindu community but also upon other communities that are dependent for many things upon the Hindu community ? In these two respects therefore this Bill will be of great advantage to us : it shows the practical advantages of the Reforms, and gives a practical opportunity to the Hindu community of showing their large-hearted patriotism in allowing some of the surplus funds of their religious institutions to purposes which will benefit the other communities of the country as well.”

Mr. V. P. PAKKIRISWAMI PILLAI :—“ Mr. President, Sir, I am very glad to find that this Bill has been welcomed by almost all the parties in this House. This legislation is long overdue and people have been expecting it

[Mr. V. P. Pakkiriswami Pillai] [19th December 1922]

for a very long time. The evil which necessitates a Bill like this is that the funds of the temple endowments and other endowments are being spent for other purposes, and that they are being mismanaged by many people. Not only that, even the *archakas* of some of the temples and trustees of certain temples do not possess the qualifications which their offices and the temples deserve.

"As for *matadhipatis*, in ancient times, these people were noted for their education, religious devotion, as well as knowledge of religion and philosophy. They used to impart knowledge to their disciples and command the respect of all people. But in these days, the *matadhipatis* do not seem to possess even such educational qualifications. My hon. friend, Mr. Sarabha Reddi, has told us that some *matadhipatis* are not even worthy of being installed on the *peetam*."

Rai Bahadur T. M. NARASIMHACHARLU:—"Are the qualifications or individual merits of these persons relevant to the present question, Sir? I think it is irrelevant to go into such matters."

The hon. the DEPUTY PRESIDENT:—"The hon. Member may continue his speech."

Mr. V. P. PAKKIRISWAMI PILLAI:—"We know, of course, that when a *matadhipati* dies, there are so many disputes going on as to who is to succeed, and attempts are made to instal a new *matadhipati*, though he may not be worthy of the *peetam* or the institution. I am afraid time has brought about all these changes, and we now want to set right our old ways, our old mode of worshipping our gods according to our religious precepts. It is impossible now, with our changed administration and the growth of knowledge, to go on with our old ways. If we want our old ways, we must have old systems of education and administration, old codes of morals and religion. But the education that is imparted to us under the present administration is more widespread than what it was before; so that we do want reform, and we feel that the Bill constitutes a reform in the right direction. There is no use talking about the intentions of the original donors, etc., being respected. If they are to be respected at all, they must be respected in the light of modern civilization and our present needs and requirements. For instance, as one of my hon. friends has said, dancing girls were being dedicated for temple purposes, and this system has been put a stop to: Has our religion suffered by the discontinuance of this system? So, all these things have to be looked at according to the requirements of the present day. It has been said that these contemplated changes may produce riots in certain temples and other places; but I am sure our present Government is sufficiently strong to deal with all such things and so we need not be afraid of such threats.

"We once tried a sect of our people as the heads of our political, social as well as religious institutions. But by the way in which they were managing these matters, we all know what such a system has brought about. If it has brought about anything at all, it has brought about the present movement among the non-Brahmans. If my hon. friend from Cuddapah feels that the present party in power is not overflowing with love for the Brahmans, I am of course sorry for it; but who is to blame for it? Those people should thank their own stars for bringing about such a state of things."

19th December 1922] [Mr. V. P. Pakkiriswami Pillai]

"Well, my hon. friend, Mr. Narasimbacharlu, referred to the souls of those people who had left the endowments. With regard to that, I have only to say that by putting forth such threats of punishment by dead souls we shall be making the members of one community play against those of other communities and we shall thereby be exploiting the ignorance of the masses. My friend, Mr. Ramalinga Chettiyar, rightly asked what those souls were now doing when they found the endowments grossly mismanaged, and whether they would attain salvation immediately this Bill is passed. Nowadays even our old women are not afraid of ghosts.

"Then, it was said that because of birth some people have become trustees, just like my hon. friend, the Raja of Ramnad, and that some privileges should be given to them by nominating them to committees. In the presence of God or within the precincts of the temple, all men are equal. I cannot therefore understand why some people alone should be privileged to be trustees as well as members of committees. We should adopt a policy of 'give and take', and if one is a trustee he should not aspire to be a member of the committee.

"Another thing is that we must try our best to see that any affairs connected with the endowments do not go before the courts. Many speeches were made with regard to the imperfect judgments made by courts in several cases concerning trusts. If any dispute arises at all, it must be decided by a special body or by a Charity Commissioner or some other commissioner, just as we have commissioners to enquire into our election disputes and other things. Such a tribunal ought to be specially formed for this purpose. After all, the decisions of the courts are given by men and cannot be impartial. The court is presided over by a human being who, like every other human being, has his passions and prejudices, and in some cases the judges may also be autocratic or cranky. If you want to save the funds of the endowments, you should adopt such measures as will tend to the settlement of disputes speedily and with very little expense.

"Then my hon. friend referred to the evil of nominations to the committee. As it is, the qualification for the electors is the payment of Rs. 20 to the revenue. By election we do not always get the best men, as some people are able to influence innocent voters and get the votes even though they may not be well qualified. So nomination is a safety valve to see that useless people do not predominate in a council or a committee and to safeguard the trust properties from misuse or mismanagement. There is provision for the nomination of one-third of the committee members; I think we should have half the committee members nominated. Well, after all, it is one of the duties of the Government to see that the charitable and religious institutions are properly maintained so that it is responsible for proper persons being appointed for managing them. If members are returned by election, we cannot accuse anybody if anything goes wrong. But, after the Government nomination, if anything goes wrong, we can accuse the Government for not choosing the right persons.

"Again, the Brahmans need not be afraid that their interests will be affected by this Bill, because the endowments made by this sect to religious and charitable institutions under the committee's management are very limited—of course, I am open to correction."

[19th December 1922]

Mr. C. V. VENKATARAMANA AYYANGAR :—"I want to say a few words, Sir, at this stage. I was waiting so long to see if any member on the Government benches, including our temporary colleague, would say anything as to the objections that have been raised by the various members in this Council. So far nothing has been said, and I take it that the only reply will be from the hon. Member in charge of the Bill. Though I have to say a few words against some provisions of this Bill later on, I add my echo to the chorus of congratulations on this Bill. I must, however, say that the congratulation is not applicable only to one particular minister or to any particular party; because this question has been agitating the Indian mind for several years, and the credit, if any, is due to the otherwise imperfect and unsatisfactory Reforms which have enabled the Local Government and the Minister in charge of the particular department to bring in this Bill. It is very difficult to apportion the credit or discredit for the objections in the Bill to anyone, because the hon. Member in charge of the Bill said that it was entirely—he did not even qualify that word 'entirely'—approved by a committee appointed for the purpose. Two members of that committee have spoken already. One has taken serious objection to the provision of nomination in the Bill—I mean the Raja of Ramnad. The other member, Mr. Ramalingam Chettiyar, pointed out the omission of an important provision, namely, Charity Commissioners."

The RAJA OF RAMNAD :—"I never took serious objection to Government putting in the provision for nomination. But I only pointed out that some difficulty might crop up on account of it."

Mr. C. V. VENKATARAMANA AYYANGAR :—"What I said was an interpretation of what the Raja of Ramnad had stated. He had his objection to nominations, and I am entitled to say interpreting it that it is a serious objection, and I am not concerned whether he thinks his objection is a serious one or a useless one. I am only interpreting the speech of one of the members of that committee, and I am entitled to say that he took serious objection to that point."

"I was referring, Sir, to Mr. Ramalinga Chettiyar, the other member of the Committee, who referred to the Charity Commissioners. I think the suggestion must have been made to the Committee and must have been thrown out. But whatever that may be, this Bill ought to have come to this Council much earlier, and even if we congratulate the hon. the Minister that he has been able to introduce it at this stage, after we have spent two years of our time on various other matters like resolutions condemning this community or that community, bills intended to operate against a particular political party and such things, my only congratulation is that he has been able to find some time to introduce this all-important measure as it deals with a subject whose reform has been advocated by Indians of all political views for several decades. Now that the question has been taken up every Member of this House should congratulate the House and the country on the fact that the Bill has been introduced after all. When I say that I join the echo of congratulations so far as this Bill is concerned, it does not mean that I support every provision in the Bill. In fact, with your indulgence, Sir, I shall say a few words opposing several of the main principles of the Bill."

19th December 1922] [Mr. C. V. Venkataramana Ayyangar]

"First of all, I must congratulate not only the Government but also the gentlemen that had a hand in the framing of the Bill for the careful way in which it has been drafted. But in spite of that, I have to say that the wordings of the Bill are open to serious objections. Firstly, we heard Member after Member saying that this Bill ought to include the religious endowments in Madras also, and yet we heard nothing like an explanation for such a thing. But the explanation may be coming in the end and it may be too late for other Members to speak on that point. It may be said that Madras is under the special patronage of the High Court and the Letters Patent, and also that section 92, Civil Procedure Code, applies to the religious endowments in Madras city. If section 92 has been found to be of no use for the endowments outside Madras city, is there any reason to say that it is not equally inapplicable to the endowments within the city? Because the section has been found to be inadequate for protecting the endowments, this Bill has been introduced, and therefore it should have been made applicable to Madras also. I do not think that under the Reforms the present Government is powerless to extend the provisions of this Bill to the Madras city also. Well, Sir, we shall wait for a satisfactory explanation on the point. Mr. Natesa Mudaliyar has spoken something about public meetings in Madras. Public meetings in Madras, for or against this Bill, are of no good to us, because the Bill does not relate to Madras. It is better that we hear of public meetings in the mufassal as to whether this Bill is welcomed by them as a good one or not.

"The next point is why this Bill should not have been made applicable to Muhammadan endowments also. I do not think any clause in this Bill can be said to be inapplicable to Muhammadan endowments. Only you have to add the word 'Muhammadan' after the word 'Hindu' in the title of the Bill, and it will at once apply to Muhammadan institutions as well. Probably a chapter may be added to safeguard the interests of Muhammadans. This is also a point for which we shall wait for a reasonable explanation to be given by the other side.

"There is a suspicion raised here and there that this Bill is brought for the purpose of catching the votes in the elections, and that that is the reason why it has been brought in this third year. I cannot say if it is based on facts.

"Then the other question is as to whether this applies to Hindus alone. Sub-clause (2) of clause 2 says:

The local Government may, by notification, extend to Jain religious endowments the provisions of this Act and of any rules framed thereunder, and may declare such extension subject to such restrictions and modifications as they think fit.

"Then the question is whether the Jain is a Hindu or not in the view of the Government, and if he is a Hindu why that provision was considered necessary? If a Jain is not a Hindu then what becomes of the various provisions of the legislation that say that the voter, the member, the trustee and the committee members should be Hindus and that they cease to be trustees, etc., once they cease to be Hindus. This is only by the way, just to show that there is some difficulty in the wording of the Bill.

"One other point is with regard to clause 10. No person who is of unsound mind or a deaf-mute shall be qualified to vote; but when once his name is in the electoral list who is to decide whether he is deaf-mute or unsound? There was a difficulty recently felt when the question had to be

[Mr. C. V. Venkataramana Ayyangar] [19th December 1922]

decided whether an European retired gentleman, a deputy inspector-general, was of sound mind or not. Different doctors were of different opinion, and just as doctors differed so also courts differed. Therefore I suggest that everything should be clearly mentioned so that there may not be any difficulty in construing the provisions of the Bill.

"Then again, with regard to resignations. Under the Bill, resignation takes effect from the date of acceptance. But it may never be accepted. Supposing there is a division of opinion, supposing also some excuse or other is given for not accepting the resignation for a considerable time; then it indeed becomes a very troublesome thing. So that it is absolutely necessary that some limitation of time must be put in the Bill, for the acceptance of the resignation.

"Then, Sir, the most important point is as to whether the Bill applies to private endowments also. The Minister in charge told us that it does not. But if you look at the definition of 'religious endowment' you will see that it is defined to include 'a temple, *mutt* or other place used as a place of public religious worship or religious instruction'. It is very difficult to decide whether private endowments come under the Bill or not when the public are given the right of worship or when a private school is established and boys are allowed the right of education. It is therefore difficult to say whether these private temple endowments are covered by the Bill.

"Then, Sir, there are various institutions which collect various sums of money and spend them on festive occasions. For instance in Tirupati there is the Madhwa Siddhanta Sabha which collects a large sum of money and feeds number of disciples year after year. In such cases, my idea is that such things should be specifically excluded from the operations of the Bill."

The hon. the DEPUTY PRESIDENT (*from the Chair*):—"I must draw the attention of the hon. Member to the fact that there are various hon. Members who are equally anxious to speak on the Bill and that he should try and finish his speech in a minute or two."

MR. C. V. VENKATARAMANA AYYANGAR:—"One other important thing, Sir, is the question of nomination. It is curious that this House calls itself a democratic body and yet wants nomination. The party in power says that they represent forty millions of the presidency and it is surprising that they should come forward and say that there should be this nomination. The Secretariat is just now so busy that it cannot bring this Bill into force very soon, and before it comes into force this House, as it is now constituted, will have dissolved and I do not know who will be the new Minister in charge of this department. If he is to be a Muhammadan I do not know how he can be expected to move the leading Hindus of the presidency better than the trustees. It is therefore highly necessary that the people in the village or town should elect their own members.

"One other matter is about the diversion. That matter is dealt with in clauses 32 and 33; I merely want to show the dangerous aspect of the provisions. Section 33 (1) says:

Any local authority or any committee may apply to the court for an order directing the trustee of a religious endowment to make out of the income of such endowment a contribution to a local authority or any private person or body of persons for expenditure on education, on medical relief, on water-supply, on poor relief or any other object of public utility.

19th December 1922] [Mr. C. V. Venkataramana Ayyangar]

“So, under this provision one municipality may consider that the funds of the Tirupati devasthanam is wasted on unnecessary matters and may under this clause apply to the court to transfer some of its funds for the purpose of a training school at Madras or some such thing. This seems to be dangerous.

“One more point, Sir, and that is about the suggestion of Charity Commissioners. I would rather say that this is a costly suggestion and that instead of this the best thing would be to have courts of arbitration in particular places and all matters of dispute may be referred to them, so that we may get rid of the costly litigation as much as possible.”

Mr. K. P. GOPALA MENON:—“Sir, if I did not ere now join in the chorus of congratulations to the hon. the Raja of Panagal for the introduction of this legislation, it is because, in the course of the debate yesterday and to-day, I was waiting for one of the representatives of Madura (which place presents a sad spectacle for the last three or four years) to rise and welcome the Bill. It has been said that this is a necessary legislation in the present state of religious institutions in this presidency. Being a Malayali myself, I thought I could give preference to a Tamilian from Madura to speak on the Bill. But seeing that nobody is coming forward to welcome this measure I think it is my duty, representing as I do the Madura rural constituency, to say what I have to say about this Bill. It is too late now for me to say that from the time of Chanakya all the Hindu States exercised control over all religious institutions that everything that was desirable and everything that was praiseworthy was correctly followed. Somehow or other, as years advanced, this sort of State control over Hindu religious institutions lapsed though in certain modern Native States it has been retained. I only wish to refer to the two sister States of Travancore and Cochin where the State is exercising supreme control over the governance of the councils. It is only this year that the Travancore Council has adopted a new line of procedure of appointing an official as devaswom commissioner and another official under him to supervise and manage religious institutions in the State. My esteemed friend, Mr. Ramalinga Reddi, who has experience of Mysore tells me that the same is done in Mysore also. Taking a leaf out of the lessons presented by these Native States I think it is highly necessary that we should adopt a similar procedure here also.

“Now coming back to the Minakshi temple, it is needless for me to say that absolutely no one is responsible for the temple affairs for the last three years. In 1920-21, during the Chittra festival, the god and the goddess were actually starved; there was absolutely no *pūja*, no *naivadhiam*, so much so that courts had to interfere and a receiver had to be appointed in the person of Mr. Alagappa Chettiyar. Suits were instituted by committee members, but the committee members were dismissed by the District Judge and a receiver was appointed by him and a manager was appointed by the committee members. The manager, himself a retired Deputy Collector, an Ayyangar or an Ayyar, when he came down to Madura to take charge as manager of the temple, could not do so, and the committee members who were dismissed by the District Judge were reinstated in office by the High Court.

[Mr. K. P. Gopala Menon]

[19th December 1922]

"Sir, with due deference to the Raja of Ramnad, a good deal of the income of the Rameswaram Devasthanam is contributed by the Malayali members. I think some hon. Member stated that all money must be used locally.

"With regard to the details of the Bill, as I have already stated, I welcome the introduction of the Bill, and congratulate the hon. the Raja of Panagal on it. As regards the details of the Bill, it is not necessary for me to speak any further except to make one or two suggestions in regard to clause 11. I join my hon. Friend, Mr. Thampan, in saying that the clause about disqualification will, at any rate, create great difficulty in regard to some places. It is stated that anyone who does not profess the Hindu religion is disqualified. Of course, as Mr. Thampan stated, there are influential members of the Thiyya community, and it is easy for them to return one as a member of the community. But as social customs and local usages stand, it appears too much for me to tell this House what earthly necessity there will be for a member of the Thiyya community being returned as a member of the management. I would therefore respectfully submit for the kind consideration of the hon. the Minister the addition of a clause to the effect that where local custom or usage prohibits the entry of certain persons into the temples, a distinction ought to be made in the matter of nominating such persons. In the same way, in regard to certain temples in the Ramnad district and in the Madura district the Nadars are not admitted into the temples. Of course far be it from me that I advocate the prohibition of these persons from entering these temples. I should always be very pleased to enter a temple with a Thiyya on one side and with an orthodox Brahman on the other. But I am afraid that, as things stand at present, it may rather savour of a revolutionary measure if a Thiyya is returned as a member of the committee. Then, the only other clause on which I wish to make some observation is clause 33, which is about the diversion of the surplus funds of the temples. I am not at all afraid of the costly ghost of my hon. Friend Mr. Narasimhacharlu."

Rai Bahadur T. M. NARASIMHACHARLU:—"I have not yet become a ghost, Sir."

Mr. K. P. GOPALA MENON:—"Well, Sir, I shall cut short by saying merely costly ghosts. Probably the ghosts are not expected to suffer when a good deal of the money that has been given away by charitable donors for particular purposes is being diverted to enrich the pockets of the lawyers in civil suits that are pending in the sub-courts and in the district courts. I was telling the House that if we looked into the accounts of the management of the Madura temple we would find that a sum of twenty or thirty thousand was being paid regularly for the purpose of conducting litigation pertaining to the Minakshi temple. I am sure that no gentleman or lady who endowed the Minakshi temple with funds ever intended that a sum of Rs. 3,000 should be given to Mr. Gopala Menon, Bar-at-law, for conducting a suit in the sub-court or another sum of Rs. 6,000 to Mr. T. C. Srinivasa Ayyangar for appearing in another suit in the district court. Surely that could not have been the object of the donor. As regards the question whether the surplus funds can be utilized for purposes other than those mentioned by the founders, I certainly agree with the hon. the Minister, because he has

19th December 1922] [Mr. K. P. Gopala Menon]

introduced a very cautious clause into the Bill. It is laid down that the surplus funds can be utilized for other purposes, only after adequately satisfying that all the avowed wishes of the founders of the endowments have been carried out in full. Very rightly the hon. the Minister does not ignore the object of the endowments for which the money was given. All that the Bill now provides for is that the surplus funds should, after meeting the necessary requirements, be utilized for the purpose of helping mankind as a whole.

"As regards clause 40, I join my hon. friend, Mr. Muttu Chettiyar, and say that it is not very desirable to exclude temples which have a very small income.

"At present this is all I have to say about the Bill and I hope that the Bill will emerge from the Select Committee in a better form. Once more I wish to offer my congratulations to the hon. Minister for having introduced a Bill which has been a long-felt want."

Mr. T. SIVASANKARAM PILLAI:—"Sir, I rise to welcome this measure. Though I may differ with regard to certain details, I think it is in the fitness of things that this measure has been brought forward at the present moment, so that the administration of our temples may be brought in line with modern conceptions of the administration of self-governing institutions. The temples have been the oldest self-governing institutions in this land. They have for long trained people in the art of local self-government, perhaps long before the idea of responsible government was put before the people. My one objection with regard to this Bill is that its operation is to be excluded from the smaller temples. I come from the Ceded districts where there are not very many large temples; the majority of them have endowments which are perhaps less than even Rs. 250. One interesting feature of all these temples is that they are associated with the name of that benevolent British ruler, Sir Thomas Munro. The other day I was taken by some of the villagers to inspect a certain forest and they arranged for a feast for me,—that is the one way of honouring a guest. The feast was arranged at the wayside temple. A very interesting legend was given out to me by the *pujari* after the *puja* was performed in the temple. Perhaps it may interest hon. Members of this House to know the legend. It would appear that Sir Thomas Munro was riding on horseback on a fine morning when he came across another person like himself riding on horseback. Somehow or other he did not acknowledge him but when he had passed that figure and turned round, that disappeared. He returned back to the spot and cried out in excellent Hindustani: '*Kon ha*' and the response came from the temple: '*I am Narasimha*.' The good Governor, Sir Thomas Munro, then sent for the *pujari* who was living in the neighbourhood in a village $2\frac{1}{2}$ miles away. He came with some flowers in his hand and after making some *puja* in the temple, offered the flowers to Sir Thomas Munro who found in them a hair. It was a sacrilege even to Sir Thomas Munro to find a hair in the offerings made to God and therefore he directly asked the *pujari* whether his God too had hair on his head. The *pujari* in mixed feelings of confusion and fear said that his God did possess hair on his head, whereupon Sir Thomas Munro wanted the *pujari* to show him the hair at his peril. The *pujari* accepted the challenge and wanted seven days' time and the stipulation was made that, if the *pujari* was not able to show hair on the head of the deity

[Mr. T. Sivasankaram Pillai] [19th December 1922]

within that time, his head would be cut off. At the end of the seventh day, choosing the lesser of the two evils, he wanted to hang himself, when suddenly an inspiration came to him from the God. He heard God himself saying: 'Be not afraid, the hair will be provided on the idol's head.' Sir Thomas Munro then came back and found the challenge fulfilled. Then it appears that Sir Thomas Munro granted an inam to the temple, and a *tasdik* worth about Rs. 70 or Rs. 80 per year was fixed for the temple. This, Sir, is the episode connected with a temple situated in the wilderness and I am sure there are several other temples which have got such small income as this one. I suggest the desirability of making some provision for bringing temples such as these within the purview of this legislation. With these remarks, I support the Bill and join in the congratulations offered to the hon. the Minister."

Sri MEKHA APPARAO Bahadur:—"I wish to point out some of the defects in the Bill now before the House. As regards the question of public and private trusts, I am afraid it is not very easy to make a distinction. Provision therefore has to be made in this Bill as to what is meant by private endowments and what by public endowments. I request the hon. Minister to order the preparation of a list of private endowments over which this Bill is intended to exercise jurisdiction before bringing this Bill for final consideration.

"As regards the composition of the committee, some people expressed the fear that persons who were otherwise debarred from entering into the temples would get themselves elected as members. It seems to me, Sir, that it is a wrong principle to state that a member can not serve on a devasthanam committee unless he is able to set his foot in every part of the temple which comes under the management of the devasthanam. I am a trustee of several temples and I am supposed to look after the proper working of these temples and to set right the defects found in them. There are places in the temples where I too am debarred from entering. I cannot enter the *sanctum sanctorum* and there is also another place where I should very much like to go and see the state of things personally, that is, the god's kitchen where the most atrocious crimes are perpetrated.

"I should also request the hon. the Minister to make provision in the case of a multiplicity of trustees. The hon. Member opposite has come out with a temple where there are four or five trustees. I myself am a trustee of a temple where there are over a dozen of my colleagues and there is an immediate chance of our increasing to two dozens. As the Bill will be elaborately considered in the Select Committee, I need not dilate much upon its provisions. I must join my hon. Colleague, the Raja of Ramnad, and request the hon. the Minister to make adequate provisions for the representation of zamindars who have richly endowed these temples. I give my hearty support to the Bill with great pride because this Bill is a direct challenge to the assertion of backwardness of the aristocracy and because it has been reserved for a zamindar-minister to bring forward a special measure for the better management of the religious endowments in this Presidency."

Mr. P. T. RAJAN:—"Sir, I rise to support the Bill now before the House. In doing so I wish to make a few observations on some of the provisions of the Bill. I want the hon. the Minister to make some distinction between temples and *mutts*. *Mutts* must be managed by a separate committee elected by those who owe allegiance to and are devotees of the *mutts*.

19th December 1922] [Mr. P. T. Rajan]

"If this is done it will meet with the approval of the members of the Saivite communities which have made practically all the endowments to these mutts.

"Coming to the temples, I think it is necessary that all the servants of the temples should be paid in cash and not in kind. If a provision is not made in the Bill to this effect, the objects of the Bill will, to a great extent be defeated.

"As regards the diversion of surplus funds I think it should be decided the Charity Commissioners who will be indirectly under the control of this Council as the Commissioners will be appointed by the hon. the Minister.

"With these few words I support the introduction of the Bill."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I rise to support the introduction of this Bill and the main principle which it embodies. So far as the principle of this Bill is concerned it has been before the public for several decades and urged for the consideration of the Government by all sections of people. It is a matter for satisfaction that it has met with a fairly good amount of consensus of opinion from all sections of the House. The main features of the Bill, so far as I understand them, are the composition of committees, the inspection of endowments by the president or members of committees, auditing of the accounts of these institutions from time to time and the limiting of the duration of life of the members of the committees. Regarding these main principles there has been no difference of opinion. It is only regarding some questions of detail that there has been, as there ought to be, considerable divergence of opinion which should be carefully solved in the future.

"The hon. the Raja of Panagal himself told us that he did not claim perfection for his measure and that he would welcome suggestions for the improvement of this Bill. If I now venture to make a few observations it is only with the full hope that they are calculated to improve the present Bill. I do not share the apprehensions of my hon. friend, Diwan Bahadur M. Ramachandra Rao, that this Bill will be viewed as a party measure. If I make bold to make that statement, it is because of the opening remarks of the hon. the Minister in introducing this Bill. He told us that this Bill emanated from a consideration of various previous Bills brought forward by persons of different shades of opinion. With that assurance and with that information before us I do not think that there is any ground for apprehension that this Bill will be, or can be, viewed as a party measure when all sections of the House are agreed as to the desirability of introducing it. Again, Sir, I think that there has been discussion in this House from varying standpoints, from the standpoint of social reform on one side and of *Varnashrama Dharma* on the other. I believe that we must steer clear of these considerations. I do not think that the hon. the Minister will be in a position to tell us whether he is going to pilot the Bill on the ground of social reform or on the ground of *Varnashrama Dharma*. I believe that he must keep himself free from these considerations and try to maintain the purity of the Bill. I am fortified in my view by a perusal of clause 42 of the Bill, though that clause ought to be improved. It is intended to safeguard the long-established usages of temples. In the notes pertaining to that clause it is expressly stated that it is intended to protect long-established customs and

[Mr. A. S. Krishna Rao Pantulu] [19th December 1922]

usages. I do not think, therefore, that with this express provision in the Bill any one can state that we want to revolutionize these institutions and bring in all ideas of social reform. When we have got this necessary safeguard, it is our duty to see whether this Bill is calculated to achieve that object. I may point out to the hon. the Minister, that, though that is the express intention of the framers of the Bill and though it is set down in the Statement of Objects and Reasons, the other provisions of the Bill are not calculated to achieve that object, because I find that in the previous clauses there is no reference to long-established usages or customs of these places of worship. We find that there is no reference at all to this either in the provisions relating to the appointment of members of committees contemplated under clause 7 or in the powers of the committee contemplated under clause 19 or in fixing the standard of scales in places of worship contemplated under clause 29. I would state that, if this Bill is to achieve this useful object, it is quite necessary that the hon. the Minister should take definite steps to allay the apprehensions of the public by introducing provisions in appropriate places to safeguard the maintenance of the existing institutions according to established usages and customs. That is a necessary modification which has to be effected before farther steps are taken.

"I myself would have liked that this Bill had been brought forward after a careful and full investigation of the origin and the history of endowments in this Presidency. I believe that this is the proper course which ought to have been taken before introducing a legislative measure of this description. Let me remind the House that the Charitable Trust Act of 1853 was passed in England after considerable hesitation as a result of labours extending over several decades. It was Lord Brougham's Commission, which was appointed about 1818; it sat for a period of 20 years and sent up several reports about the existing history and origin of several institutions. They submitted a report which covered about 40 volumes. A committee of the House of Commons was appointed in 1835 and a Royal Commission, in 1849. This Royal Commission sent a report in 1850 and in 1852 the Act was passed. I only mention this to show that it would have been more satisfactory if, before introducing a legislation covering endowments of all descriptions and of all traditions, a thorough investigation had been made. These were the exact remarks of Sir Abdur Rahim when he discussed this question:

The Government should first undertake a careful enquiry into the history, the origin and usages of these religious institutions by responsible committees and then take up the question of legislation on proper lines.

"But, Sir, it would now be difficult to go back to that position. So far as the principle is concerned, it is accepted by all sections of the House. May I hope that this will be borne in mind in the further progress of this Bill? If the Bill is to serve the object which it is intended to achieve, it must be only with the concensus of opinion of all the people of this country.

"Sir, there are a few provisions of this Bill to which, with your permission, I would draw the attention of the House. Much has already been said regarding the nomination of members of the committees. I am one of those who cannot believe that we, claiming credit for being a democratic assembly, should give our assent to a provision of the Bill which states that one-third of the members should be appointed by the Government.

19th December 1922] [Mr. A. S. Krishna Rao Pantulu]

"If, Sir, this House is not prepared to go so far, I would ask whether there is any justification for taking away that power from the courts according to the established precedents and to confer it on the Government. We find in section 37 that in the matter of removing a member of the committee, the court is given discretion and a person who has a right of worship can institute a suit for that purpose. When a court is given power of removal of a member of the committee under certain conditions, I cannot see why for the purpose of appointment you cannot trust the court. My own view is that there will be no hindrance whatever if these places are thrown open for election. In the alternative, I would submit whether it would not be wise to leave it to the courts to decide. Is it not safe that the House should lay down definite principles whether the question of appointment of members to the committees should be by the Government or by the Court and is it not desirable that, in doing so, the final authority should pay due regard to the established religious institutions? We need not here specify or give elaborate details of these. The persons making the appointments should show due regard to the established usages of religious institutions. I think, Sir, that it is absolutely necessary to make a provision of that character in dealing with clause 6 of this Bill.

"Clause 7, I would submit to the hon. the Minister, is quite indefensible. It provides that for a period of two years, Government should have power to appoint all members. I only want to ask the necessity or justification for that provision. In the Statement of Objects and Reasons it is stated that because the preparation of electoral rolls is likely to take considerable time, they have proposed to give Government power to appoint all members to the committees. Section 5 gives power to the Government to abolish a committee and to replace it by a new committee. With these powers under section 5, are we to approve of a measure which has the effect of giving such power to the Government for a period of two years?

"Regarding the objection urged that the preparation of electoral rolls is likely to take time, may I point out that there is a simple way of solving the difficulty? The difficulty arose owing to the fact that in Schedule I, which refers to the qualification of electors, there is a slight departure from the qualification prescribed for the electors of the Legislative Council or the local bodies. I find that in the case of those assessed to income-tax or in the case of retired pensioners there is no difference whatever between the electoral rules for local bodies and for the committees. It is only in the case of those who pay only rental value that there is some difference. It is ten rupees in the case of Legislative Council or local boards and Rs. 20 in the case of these temple committees. My opinion is that we can have an elected committee, if we do away with this difference, in less than six months. Further, I would ask hon. Members to consider whether they think it worth while to alter this Rs. 10 to Rs. 20 resulting in an elaborate new electoral roll for the printing and publishing of which considerable expense has to be incurred? If you want to simplify the whole process, you can very reasonably be satisfied with a wider electorate with Rs. 10 qualification and take advantage of the electoral roll already existing. If you adopt this suggestion, it will be easy for you to bring these committees into existence in a much shorter period than two years and avoid the necessity for the provision contained in section 7 of this Act.

[Mr. A. S. Krishna Rao Pantulu] [19th December 1922]

"Then, Sir, I have to offer a few remarks upon this *cypres* doctrine referred to in section 33. As regards the application of endowment funds under section 32, there is no difference of opinion whatever. The principle is accepted. It is merely the question of detail that I wish to refer to. The principle is already in the Local Boards Act and it has to be seen whether these provisions cannot be brought into conformity with one another. The *cypres* doctrine has been before the public for several years. It is not a new thing which we are introducing at present. It will be found that this has been under consideration with certain limitations from 1840 or so. The Court of Directors themselves considered this in the early forties and made this declaration :

We are of opinion that all grants and endowments should be, in the first instance, appropriated if possible to their original purposes; when the funds are more than adequate to that end, instead of allowing them to accumulate without limit, they should be applied to purposes of general utility, taking care that the particular district in which the endowments are situated should derive full benefit from the new appropriation of the surplus.

"And we find that on the 20th September 1845, the Government of India made this provision :

These accumulations, in the opinion of the Governor-General in Council, should be held to be at the absolute disposal of the State and should be regarded as a fund to be devoted to the public benefit in works of general utility, preference being given as to the locality where the surplus is to be expended, and the neighbourhood from which it was derived, and the education of the people being held forth as the most legitimate object to which it should be applied.

"I may remind the House that we are going here, much farther than in other established institutions. It is desirable that we know the limitations to which we are subject. We cannot go further than is provided in the Endowed Schools Act of 1869, and I will read to the House the provisions contained in that Act, because the provisions embodied in this Bill are a violent and unjustifiable departure from accepted principles regarding the doctrine of *cypres*. This is the provision in the Endowed Schools Act :

By section 30 the charity commissioners are empowered with the consent of the governing body by scheme to devote to educational purposes endowments for any of the following purposes, viz., dotes in money or kind; marriage portions; redemption of prisoners and captives; relief of poor prisoners for debt; loans; apprenticeship fees; advancement in life; or any purposes which have failed altogether, or have become insignificant in comparison with the magnitude of the endowment, if originally given to charitable uses, or before the year 1800.

"We find, Sir, that there were decisions of the Bombay High Court in 1874 and 1907 in pursuance of which the courts with certain limitations did recognize the diversion of funds of religious institutions for the establishment of schools. When that was the position, what do we find so far as this Bill is concerned? We find no provision for the diversion of funds being made with the consent of the persons who are proposed to be affected by the measure. This is a serious thing which, I am sure, will affect the utility of the measure. My friend, the Raja of Ramnad, told us yesterday that he was anxious to utilize as far as possible all the surplus funds available. I think that is a matter which should be guarded against."

At this stage, the Council adjourned for lunch.

The Council reassembled after lunch at 2-30 p.m.

Rao Bahadur A. S. KRISHNA RAO PANTULU (*continued*) :—"Sir, the doctrine of *cypres* introduced in clause 33 (3) of the Bill contains provisions for three separate sets of circumstances. There is not much room for difference

19th December 1922] [Mr. A. S. Krishna Rao Pantulu]

of opinion as to first and second sets of circumstances; for they provide for cases where the purpose of a religious endowment has become impossible to realize, or where the machinery for giving effect to the original purpose of the endowment has broken down. But in the third set of circumstances, i.e., in cases where a surplus remains after fulfilling the avowed purpose of the endowment, several difficulties arise; and it is absolutely essential that the Bill itself should lay down the principles that should guide the application of this doctrine. Provision is made as to the determination of the purpose for which such funds ought to be diverted. The purpose for which they ought to be diverted will always vary according to the nature of the institution and its previous history. This was the case, for instance, when the Tirupati Devasthanam Bill was taken up by the pre-Reform Councils. According to the history of this devasthanam, educational institutions had been maintained out of its surplus funds for thirty or forty years without any complaint, so that the Council gave its assent to it, though after considerable discussion. In the case of other institutions, too, a reference could be made to their tradition and history, and such purposes as fell within the purview of these institutions in the past could be recognized. But to prescribe that a surplus can be used generally for education, for medical relief, for water-supply, for poor relief, or for any other object of public utility, which is very vague, wide and comprehensive, is, I think, Sir, likely to lead to considerable difficulties in practice. Let me remind the House that when the East India Company took charge of the Tirupati devasthanams and collected funds for the purpose of education, they handed over the management of the institutions to the Mahant in 1843. It was found that a large surplus of something like 40 lakhs of rupees and more had accumulated, and it was intended that it should be utilized for the purpose of education, etc. But it was found that the funds had become mixed up with the general revenues of the country and that it was not possible for the Government to specify the amount which could be utilized even for those purposes of public utility contemplated in the Bill. I would draw the attention of this House to the information given by the Government in dealing with this devasthanam in reply to a question put in 1914:

Question 89 (1) Is it a fact that the Tirumalai, Tirupati, etc., devasthanams (known as the Tirupati devasthanam) were under the management of the Government for some years till about 1843?

(2) Will the Government be pleased to state—

(a) for how many years the aforesaid devasthanams were under the management of the Government;

(b) how the annual savings from the devasthanams were utilized during that period;

(c) what amount, if any, remained in the Government treasury under the devasthanam account when the Mahant was entrusted with the management of the devasthanams; and

(d) how that sum was utilized?

“I tried to elicit that information in 1914, but the Government could not then give it. This was what it stated:

The Government have been unable to ascertain in what year the management of these devasthanams was taken over by the East India Company. The arrangement terminated in or about the year 1843. The surplus funds derived from the endowments, the amount of which cannot be gleaned from the papers immediately available but which was certainly considerable,

(it was later on ascertained to be more than 40 lakhs)

were credited to the State as a fund to be devoted to the public benefit in works of general utility, preference being given as to the locality where the surplus is to be expended to the neighbourhood from which it was derived, and the education of the people being held forth as the most legitimate object to which it should be applied.”

[Mr. A. S. Krishna Rao Pantulu] [19th December 1922]

“Further attempts to get more information were fruitless. This was what was stated later on by the Member in charge of Revenue :

I am afraid it will be impossible to find that out after the lapse of so many years. At any rate, the inquiry would be long, troublesome and laborious, while there would be no corresponding beneficial results from it.

The whole information at the disposal of the Government has been given in the answer. We cannot give more detailed information than what is stated in the answer.

“I am only mentioning it as an instance to show that when once we sanction the diversion of funds collected from endowments to purposes of public utility—a very illusive term indeed—there is no knowing where we can fix the expenditure within the limits of *cypres*. Therefore, it is necessary, Sir, that in this Bill we should add provisions to specify the purpose, after giving attention to the history of the institution and the uses to which the funds were applied when there were surplus funds. Then again in clause 33 (5) it is stated that the surplus funds should be used in such places as are not adequately provided for and that such use should approximate to the intentions of the founder. I have already stated, Sir, with reference to the intentions of the Government as also of the founders, on previous occasions, that they should be utilized as far as possible in or near the locality where the endowment is situated.

“There is another important aspect of this Bill which I wish to place before this House, and that is with reference to clause 37. Clause 37 deals with suits against trustees and committees. It states that :

(1) Any person having an interest in any religious endowment may institute a suit in the court to obtain a decree—

- (a) removing a member of any committee,
- (b) appointing or removing a hereditary trustee, or appointing or removing the trustee of an endowment falling under section 40,
- (c) vesting any property in a trustee,
- (d) directing accounts and inquiries,
- (e) settling a scheme in respect of an endowment falling under section 40.

“The object of restricting some suits to cases falling under clause 40, which are cases where the annual income is less than Rs. 250 per annum, is set forth in detail in the Statement of Objects and Reasons. I think, Sir, that if it is necessary to settle a scheme in respect of an endowment falling under clause 40, it is all the more necessary to have provision for settling schemes in cases where the annual income is more than Rs. 250 per annum. Sir, all that I wish to point out is that the provision made for suits to settle claims in the case of endowments where the annual income is less than Rs. 250 must be extended to other cases as well.

“Another point, which requires considerable improvement when the Bill comes up for final consideration, is clause 39 which suggests the modification of schemes where these have already been framed by the court. When schemes have been framed as a result of suits where the parties interested have placed all necessary material before the court, we should think ten times before we interfere with them.

“The only other remark, which I wish to make before I close, is this. In all other cases we have had the advantage of getting representative opinions of the various trustees of temples and institutions and I think, Sir, that this is also a fit case in which that procedure should be adopted before the select committee can possibly be asked to meet. It is an equally proper case in

19th December 1922] [Mr. A. S. Krishna Rao Pantulu]

which evidence should also be obtained for fuller consideration of the various issues involved. May I remind this House that in a simple matter like the Tirupati Devasthanam School Bill containing three or four clauses, leave to introduce the Bill was obtained on the 27th of January 1914. The Bill was then circulated to various other persons, and suggestions and criticisms were gathered. Not till ten months later, in November 1914, was the Bill introduced and passed into law. That only shows, Sir, that when in a small case it was found desirable to obtain information from all interested persons, in a case of vital importance as the Bill now before the House, we should give fuller opportunity for representations to come in."

Rao Bahadur C. VENKATA RANGA REDDI:—"Mr. President, I have great pleasure in supporting the Bill under consideration. In doing so, I heartily congratulate the hon. the Minister for introducing a measure hailed on all sides and by all parties. For well-nigh 60 years, the Act of 1863 was in force in spite of the fact that almost from the outset it was considered to be a very unsatisfactory and defective measure. Times without number attempts were made to amend that Act but somehow or other all those attempts failed. The hon. the Raja of Panagal has succeeded where so many others before him have failed and has introduced a measure for the better management of religious institutions.

"Many of the religious institutions have been shamelessly mismanaged and a number of temples have been allowed to fall into rack and ruin. The income from the temple properties is not devoted for objects for which it was intended. Some of the temple properties are enjoyed by persons who have absolutely no right to them. There are also cases in which even members of temple committees are enjoying properties belonging to the temple without any justification. Such a scandalous state of affairs has been allowed to go on under the existing Act. The main defects of the present Act are the following: The committee members are not responsible to the public. As they are life-members, they are not removable except by a suit for malfeasance, etc. Action cannot be taken against them for want of funds. The present Bill seeks to remedy these defects. The term of membership has been fixed to five years and the members are to be elected by a fairly wide electorate. I submit that the Select Committee would do well to elect the whole number or at least three-fourths of it. The Committee has been given power to remove a non-hereditary trustee, who has a right of appeal to the Government. Under the existing Act he can be removed only by a suit.

"Clause 32 is a very important provision in this Bill. That clause gives power to the Local Government to determine the contribution that has to be made by a trustee to the local authority for making special sanitary arrangements. It is a very important provision and in a place like Kurnool, where two or three important festivals are held in a year, the sanitary arrangements can be satisfactory only when such contributions are made.

"The next important provision is clause 33, which gives power to the courts to order the trustees on the application of local authorities or committees to make contributions out of the income of the endowments to local authorities or private persons for expenditure on education, medical relief, etc., and to order the diversion of surplus funds to such objects. It is true that this provision will rouse considerable opposition from the orthodox section of the community; but, Sir, it will be welcomed by the more advanced section. I

[Mr. C. Venkata Ranga Reddi] [19th December 1922]

think, Sir, the hon. the Minister has done a good thing in including this provision in the Bill. No doubt there are some defects in the provision which will have to be considered by the Select Committee. Unlimited powers, for instance, are given to courts to direct the grant of money and to indicate the locality on which it is to be spent. Safeguards will have to be provided against this unlimited power of the courts, and the Select Committee will have to go into the question very carefully.

"I submit, Sir, that there is a lot of unnecessary litigation going on as regards the succession to the headship of *mutts*. After the head of the Pushpagiri Mutt was murdered, a number of rival claimants have filed suits in court for the headship of the mutt. There should be some provision in the Bill making it obligatory on the heads of mutts to nominate their successors within a certain time, say, about 2 or 3 years, after the matadhipathi comes into office. No doubt this will involve a number of difficulties. If a successor is nominated long before the succession is to take place, he may adopt measures to succeed to the office as early as possible. Again, the other disciples of the mutt might become envious of the nominated successor and try to get him out of the way. All these difficulties the Select Committee will do well to go into and see that at least some of the litigations are put an end to.

"Then it seems to me, Sir, that the term of office of the president fixed by the Bill is too short. As in the case of the presidents of district boards and chairmen of municipalities, the term of office may extend to five years. So long as the president is selected from the members of the committee I see no reason why he should not continue for a period of five years.

"Yesterday my friend, Mr. T. M. Narasimhacharlu, was afraid that, if the Bill were to be passed into law, *prasadams* in the Vaishnavite temples might be curtailed. I may assure my friend that there are sufficient safeguards in the Bill against any such thing. Clause 42, for instance, restricts the power of the courts and the Government and provides enough guarantee that all the old usages will be observed and the customary *prasadams* will not be discontinued. I would therefore tell my friend, Mr. Narasimhacharlu, not to be anxious over that matter. With these few remarks I support the Bill under discussion."

Mr. W. VIJAYARAGHAVA MUDALIYAR :—"Mr. President, Sir, if I rise at this late hour I do so only to add my quota of support and approval that has been evinced in favour of the Bill now before the House and to congratulate the hon. the Minister for Local Self-Government not only for the introduction of this Bill but also for the kind reception that it has so far received from this House. Almost all the Members who have spoken on this Bill have given their support to it and welcomed it, so that, though they made a number of criticisms and suggestions, it is evident that the Bill is a long-wished-for one and that the Members are very anxious to see that its provisions are carefully considered. I have no doubt that the select committee will carefully consider these provisions.

"For my part, Sir, I must confess, with my hon. friend Mr. Ramalinga Reddi, a feeling of disappointment and surprise at the absence of a provision for the appointment of charity commissioners which, I think, is absolutely necessary in a measure of this kind for co-ordinating and directing the work of these committees scattered all over the province. There is another omission

19th December 1922] [Mr. W. Vijayaraghava Mudaliyar]

which I cannot overlook and that is the omission to eliminate the law courts. One of the greatest evils from which this country is suffering is the provision for litigation in measures of this kind. The evil should be rooted out as early as possible. Such provisions tend to prolixity and interminable litigations and wasteful luxury on the part of those engaged in such cases. Therefore, Sir, all reference to litigation in this Bill should be elided. I fully sympathise with the way in which a strong appeal was made to this House by my hon. friend Mr. Muttu Chettiyar not to spend money which has been set apart for sacred purposes.

“Most of the criticisms that have been made regarding the provisions of this Bill deserve consideration. There was a criticism about the nomination of members to the committee. Some hon. Members thought that there ought to be no nominations by the Government and that, all the members of the committee ought to be chosen by election alone. My hon. friend, Diwan Bahadur Ramachandra Rao, feared that this subject would be made a party question. When the much abused bureaucrat held undisputed sway there was no such fear. As soon as we come to have some responsibility and Ministers make their appearance, party contests are complained of. Let me hope that when my hon. friend feared the wickedness of the party in power he meant only political wickedness or, better, the supposed wickedness of the party in power. But let me remind him that the expression ‘party in power’ connotes the power of a large majority of vote behind. If a party becomes the party in power it means that it has got the influence of the electorate at its back, and that whatever it does is what the majority of the people do. I think, Sir, that the suggestion by my hon. friend to have every member of the committee elected is not proper. The electorate consists of men of all sects and of all denominations. There are Vaishnavites and Saivites and again subdivisions among Vaishnavites, as Vadagalais and Thengalais. If in a certain locality there is a very important shrine in which the Thengalais are interested, and if in that locality the electorate consists largely of Vadagalais, then what will be the fate of these Thengalais? The Thengalais would form a minority and I think that it is but right that the Government should have the power to nominate some of them as members of the committee. The interests of the minority have to be safeguarded. It must also be remembered, Sir, that the Minister is a responsible Minister—responsible not only to this House but also to the electorate. The interests of the minorities should be safeguarded by such a responsible Minister. I think, therefore, that my hon. friend’s suggestion that there should be no Government nomination is not at all proper.

“With regard to party Government, I think it is one of the important factors in democratic institutions. My hon. friend Mr. Ramachandra Rao should have bargained or represented his views before the Joint Committee of Parliament.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“A word of personal explanation, Sir. My hon. friend has seriously misunderstood me. All that I said was that the party in power should not control religious institutions.”

Mr. W. VIJAYARAGHAVA MUDALIYAR :—“When the party in power takes hold of the political institutions, I do not see why it should not take hold of religious institutions also. The party in power represents the majority of the

[Mr. W. Vijayaraghava Mudaliyar] [19th December 1922]

electors and I do not know why my hon. friend contests the right of the majority of the public to take hold of and control these religious institutions as well.

"With regard to the fear of my hon. friend the Raja of Ramnad, that the zamindars will probably not be able to be on the committees . . ."

The RAJA OF RAMNAD :—"I said 'hereditary trustees' and not 'zamindars'."

Mr. W. VIJAYARAGHAVA MUDALIYAR :—"Of course, my hon. friend referred only to hereditary trustees. But it is admitted that almost all the zamindars have given large donations and most of these institutions have been started by the zamindars. I, therefore, say that this difficulty may be remedied, as my hon. friend Mr. Ramalinga Reddi suggested, by the appointment of Charity Commissioners. I think this question should be considered in the Select Committee."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, Sir, we want now to introduce electorates in connexion with this Bill and in our anxiety to introduce them we should not forget that an amount of expenditure and labour will be needed for constituting the electorates under the various Acts. We have got one electorate for the Council of State, another for the Legislative Assembly, and a third for this Council. Again, there are electorates for municipalities and taluk boards, and electorates for district boards will come into existence very soon. The electorate proposed in this Bill will add one more to the list. This means unnecessary duplication or triplication of work. A new machinery will now have to be set in motion for preparing the electoral rolls. I think that this is unnecessary. A beginning may be made now by adopting one of the existing electorates, say the electorate for the Council of State or for the Legislative Assembly. That will save much time, expenditure and labour. Otherwise the village officers will have to give information from time to time for the preparation of electoral rolls and I am sure Sir Muhammad Habib-ul-lah Sahib will certainly protest against giving this additional work to the already overworked village karnam or village headman.

"The scheme of this Bill is the appointment of non-hereditary trustees by the committees. The non-hereditary trustees are to standardise the expenditure and in case of difference between the trustees and the committee, the question is to be settled by a court of law. I am not able to understand the principle underlying this provision. When the non-hereditary trustees are the creatures of the committee, what is the meaning of saying that in case of a difference of opinion between the committee and the non-hereditary trustees, they should go to a court of law? The non-hereditary trustees are to be appointed, and dismissed by the committees but in case of a difference of opinion on a particular matter, it is to be referred to a court of law. I believe this difficulty is brought about by mixing up the case of non-hereditary trustees and that of hereditary trustees. If the question of hereditary trustees, as has been advocated by the zamindar members of this House, is sympathetically considered, I feel sure that this anomaly will be removed.

"Again, this is the first time when an attempt is being made to bring the hereditary trustees under the supervision and control of the committees. In this connexion we should consider the reason why the committees were first

19th December 1922] [Mr. C. V. S. Narasimha Raju]

appointed under the Act of 1863. In those days many institutions were under the direct management of the Government, but as the Government wanted to hand over the management to the people they brought the committees into existence. But in the case of institutions under the hereditary trustees, they are already well organized and well run and are looked after by their own trustees. If we examine the powers of the committee as proposed in the Bill, we find that there will not be much difficulty in eliminating their control over the hereditary trustees and in calling upon the latter to submit all details proposed to be called for by the committees. The various powers that are conferred on these committees are the appointment in case of a vacancy, or dispute regarding hereditary trusteeship and so on. The dispute about hereditary trusteeship is a point which, I believe, does not arise very often, and, even if it does arise, I think the committee will not be the proper authority to appoint a temporary trustee. Even pending decision on such a question, it is not desirable that the committee should appoint a temporary trustee. When serious questions of right of succession, etc., arise courts should be given the power to decide them. They can very well appoint a receiver, just as they appoint one in the case of management of an estate—for the management of the temple properties also. Again, as regards the removal on the ground of disqualification, or the filling up of a vacancy, of a hereditary trustee, I do not think that it is proper that the committee should have any power in such cases; for the question will be pending in courts and they can very well attend to this point.

“Again, as regards the right to call for accounts, I believe all these hereditary trustees manage their trusts through their agents. The agents themselves will furnish accounts from time to time to the trustees and they may be called upon to publish their accounts, that is, copies of the budget for the year, the administration report for the year and such other returns as may be prescribed may be lodged in the civil courts or with the Government or with the local bodies of the respective areas. If any one is dissatisfied as to the manner in which the funds are spent, as one interested in the administration he can institute a suit for a scheme. They may be empowered to utilize the surplus funds for some of the purposes mentioned in the Bill under the ‘*cypres*’ doctrine.

“I do not see any reason why the committee should have any special jurisdiction over the hereditary trustees, why they should impose various duties on them such as the publication of the budget and the administration reports and why they should be given power to apply to the court for the utilization of the surplus funds. As a matter of fact, to my knowledge, some of the trustees have been utilizing the funds for various objects now mentioned in this Bill. And all this expenditure will be legalized if it is not already done by the custom of the country. Now the committee is given the power to institute a suit for the removal of hereditary trustees. As has been already remarked, the grounds on which they are to be removed are not mentioned in the Bill. I presume the grounds are the same as do exist under the common law in the case of other trustees. This need not be one of the functions of the committee. Even any person interested in the institution can file a suit questioning the conduct of a trustee. The whole trouble, I perceive, has arisen by mixing the position of the hereditary trustees with that of the non-hereditary trustees and under this Bill the non-hereditary trustees are given a status more than what

[Mr. C. V. S. Narasimha Raju] [19th December 1922]

is due to them. It must be the right of the committee to settle the standard of expenditure and such other things in the case of ordinary endowments instead of allowing the matter to go to the courts of law."

Mr. V. C. VELLINGIRI GOUNDAR:—"I wish to offer a few remarks in support of this Bill. The place I come from comprises a good number of devasthanams with small emoluments. The Bill goes too forward in some respects. There are minor devasthanams whose lands have been alienated, and instances are not wanting where some of these devasthanams have entirely lost their incomes and are struggling for existence, and some are moribund. Some provision is necessary for reviving the condition of these devasthanams and restoring to them the properties they have lost. Facilities must be afforded to these bodies for recovering their lost properties by the appointment of arbitration courts as we are not wanting in members of the legal profession ripe in experience and of good status to undertake this work or by securing concessions in court-fees, etc., as in the case of co-operative societies for recovery of their dues. As regards the surplus, whatever surplus there is should be left to the committee itself to decide in what way it should be utilized. The committee should act in consultation with the wishes of the public. They must consult the important donors and devotees in determining such expenditure of the surplus funds. There should not be merely any allotment to a local body. Consultations may be made with the donors and devotees of several temples during the great festival occasions or by special invitations to them. It is only then that all criticisms can be avoided. The committee which should be formed under this will not be like the one we are already having. Surely, there will be great interest and enthusiasm displayed hereafter when new committees are formed and their status will be far greater also. So there will be no room to think that these committees will allow any waste of money, mismanagement, etc. Further, there will be no difficulty in influencing them through the local body or the Government through their members or officers who may be interested or who hold memberships in committees and thus set right any irregularities. It is therefore quite enough at present to provide the necessary safeguards to prevent the different forms of abuses, such as illegal expenditure, litigation, factions between trustees and committees, mismanagement, etc., and to afford facilities for the recovery of properties lost and thereby to bring about better administration. There is no necessity to appoint paid trustees. The committee should be given full scope to work their way. There should be no interference internally or externally by the local body or Government in their management of trusts, devasthanams, etc.

"Regarding surplus moneys and some matters affecting the internal management, etc., these may be reserved for future enactments after the Act has worked for some time.

"Although the general principles of the Bill have been well approved by all, criticisms have been made also by almost all the members as regards several sections of the Bill, which fact itself shows that more caution is necessary, and so the provisions to be embodied in the Act should for the present be restricted to cover immediately all the disabilities and defects found in the present administration of the religious endowments without giving room for undue interference from outside.

19th December 1922] [Mr. V. C. Vellingiri Goundar]

"This Bill, it is regretted, does not include the Presidency town. No reasons were given for so doing. If the City of Madras is included in the operation of this Act, I am sure it will afford some better facilities for solving some of the difficulties expressed with regard to the several sections of the Act and also assist the mufassal committees in their work. However we welcome the principles of the Act and are unanimously offering our congratulations to the hon. the Minister. Especially in this matter congratulations will be more valuable when they come from the general public who are personally and directly interested in the actual working of religious endowments and devasthanams after the new Act has been in working for some time.

"I therefore request the hon. the Minister for Local Self-Government to take note of these difficulties and so recast the provisions of the Bill as not to allow any scope for criticism, especially as this is a matter in which the Hindus are vitally interested. With these few words I support the principles of the Bill."

The hon. the RAJA OF PANAGAL :—"Mr. President, I am indeed grateful to the members of this House for having given a generous reception to the Bill that has been presented to the House. Hon. Members have freely admitted the need for legislation to check the abuse in the management of religious endowments, and they have also accepted the general principles contained in the Bill. All this only goes to show that the Bill has been long overdue and that it is introduced not a day too soon. In fact the present venture to place on the statute book a fairly comprehensive legislative measure is not the first of its kind. It has had its forerunners in the various attempts made at intervals during the last half a century and more. No doubt, these attempts failed; they failed not because they were not attempts made in a good cause nor because we have not had good men to espouse the cause. We had some of our very best men persistently engaged in trying to get legislation to improve the law relating to the management of religious endowments. The most eminent men of the last generation, men like the hon. Rama Ayyangar, Sir T. Muttuswami Ayyar, Sir V. Bashyam Ayyangar, Ranganatha Mudaliyar, P. Rajaratna Mudaliyar, and P. Ananda Acharlu, were not remiss in their attempts to get the Act XX of 1863 amended. Really, Sir, if their attempts failed, it was more on account of the unwillingness on the part of the Government of India due perhaps to a conscious, or sub-conscious state of mind with the fixed idea that after all they were alien to the people for whom the reform was proposed, and that any interference on their part in a matter like this was likely to be misunderstood. But, Sir, thanks to the constitutional changes in the governance of this country in recent years, they have enabled both Indians and Englishmen to realize that they, as partners in shaping the destinies of this country, are no more alien to one another. Sir, may I not venture to say that if the Bill now presented to the House has obtained the ready and willing approval of the Government of India, it is chiefly due to this realization? I thank the hon. Members for the very warm congratulations they have offered to me. Sir, I should like to say in this connexion that there are others, the Raja of Ramnad and his committee and, particularly, his energetic Secretary Mr. Gopalaswami Ayyangar, who deserve congratulations more than my humble self for the great pains they have taken in drafting the Bill.

[The Raja of Panagal]

[19th December 1922]

"Sir, in the course of the debate, several important questions have been asked and very interesting criticisms raised. I shall take up the inquiries for information first. Of these two are particularly important. One refers to the fact that Madras City has been excluded from the operation of the Bill. It was the intention of this Government to bring Madras within the scope of the Bill, but the Government of India objected to its inclusion on technical considerations; for in the Bill as was originally drafted, power was given to the Original Side of the High Court to entertain suits and the Government of India thought that the local Legislature could not invest the High Court with jurisdiction. The possibility of including Madras, with jurisdiction given to the City Civil Court, is under consideration, and I assure hon. Members that when the Bill is discussed in the Select Committee it will be given due attention.

"Another query that has been raised is why the scope of the Bill has not been extended to the Muhammadan religious endowments. Sir, the Raja of Ramnad's Committee did bring Muhammadan religious endowments under the purview of the Bill, but the Government thought that the time was not opportune to bring those endowments within the purview of the Bill. I have no doubt that hon. Members will readily admit that with the Khilafat question still disturbing the minds of the Islamic communities, the time is not quite suitable for undertaking legislation in regard to the Muhammadan religious endowments. Besides, in most of the earlier Bills drafted at different times, the Muhammadan endowments, most of them at all events, were excluded from their scope. It is, however, hoped that after this Bill is passed and after it is worked for some time legislation will be undertaken to bring the Muhammadan religious endowments under the operation of the Bill.

"Now, coming to the criticisms, I do not say that they have no force whatever. In my opening speech I stated that my Bill did not claim perfection. I stand by that statement and I do not claim anything like perfection to the clauses of this Bill. The criticisms that have been offered will be considered when the Select Committee discusses the several clauses of the Bill. The first criticism made relates to the short notice of the introduction of the Bill. My only reply is that this Bill deals with a question which has been seriously engaging the attention of the enlightened Hindu community for the last 55 years and more. Several times opinions of eminent men have been taken; they are all on record and I have had the benefit of those opinions. In these circumstances, and particularly in view of the fact that we have still opportunities to consider the opinions of those interested in the matter and others that may be offered at the Select Committee stage, I do not think that the criticism that the Bill has not been long enough before the public has much force.

"The next objection is in regard to the powers of the Advocate-General under clauses 92 and 93, and rule 8 of Schedule 1 of Part I of the Civil Procedure Code. Under section 114 (2) of the Government of India Act the Advocate-General has got the power to institute suits. He has all the powers which His Majesty's Attorney-General in England has, and the Attorney-General in England can institute suits not only *suo motu* but also on information. So, the taking away of the powers of the Advocate-General under the two clauses referred to is not very material.

19th December 1922]

[The Raja of Panagal]

"The next question raised is in regard to the inclusion of *mutts* under the definition of Hindu religious institutions. I cannot quite understand why this objection is raised. We do not propose to include the *persons* of the heads of the mutts within the Bill; we only include properties belonging to these mutts. I do not think my hon. friends will disagree with me when I say that it is quite in the interests of the mutts themselves that there should be some sort of check to the mismanagement of these trusts. It is not the intention of the Bill to fetter in any way the freedom of the religious preachers in their spiritual work.

"The next objection that has been raised is in regard to the power of nomination which under the Bill is proposed to be vested in the Government. Sir, this objection, resolves itself into two objections: one that the hon. Members do not want any nominations, and the other, that if there should be nominations they should be made by some body other than the Government. So far as the first objection is concerned, I think, taking the facts as they are, it is necessary that there should be nominated seats, because in the case of temples it is the wealthier or the religious minded classes who come as the minority communities that contribute funds, and if general elections are the rule, their chances of being elected to the committee will be few and far between. Moreover, I should observe that in the very first draft Bill that was prepared by the Robinson Committee, nominations were provided for. As to the second question, i.e., who should nominate, if nominations are allowed, I feel, Sir, as a Minister, my position is somewhat delicate. However, it is my duty to tell my hon. friends what I feel in the matter. However, I am not going to continue to be the Minister for ever. There will be changes, and whoever commands the confidence of the House will be the Minister (hear, hear): the Members may take that from me. I can therefore be quite frank in expressing my opinion, Sir, if the hon. Members are not willing to entrust the power of nomination to the Minister who commands the confidence of the House and who is amenable to the control of the House, how can they entrust it to a district judge, (hear, hear). It may be asked that in the previous drafts of the Bills this power of nomination was not vested in the Government. The reason is not far to seek. So far as I know, in one of the previous Bills the Government was to nominate and in others the power to nominate was given to courts and other bodies. This was because, at that time, as I have stated a little while ago, the Government considered that they were alien to the people to whom these trusts really belonged, and therefore they felt a sort of delicacy in taking the power to themselves. Well, Sir, this is also a matter which will be carefully examined at the Select Committee stage and I assure the House that on this subject whatever decision the Select Committee may come to will be the decision of the Government.

"Sir, it has also been said that it is not desirable that the Government should have the power to make rules with regard to some important matter. Even here I fail to see what the cause for the objection is. The rules are intended to regulate the procedure and they have to be changed from time to time, and these changes will be necessarily more frequent than the changes in the law. Therefore, it is as a matter of convenience that the Government have taken the power to make rules. Sir, these rules refer to two classes of cases. One class relates to the changes in schedules and the other to the procedure. So far as the rules relating to schedules are concerned

[The Raja of Panagal]

[19th December 1922]

they will be placed on the table of this House. So the hon. Members will have opportunities to criticize them. Sir, even in the case of rules relating to procedure, the rules will be published for criticism and the Government will certainly have opportunities to know what the hon. Members and the public have to say in the matter.

"Then, Sir, another objection that was raised was against the committee having the power to interfere with the internal administration of the religious endowments. That power is really the crux of the whole Bill. In fact all the draft Bills that were prepared contained this provision, and I cannot see why hon. Members feel nervous about this interference. Care has been taken in the Bill that long-established usages and customs are kept intact. So, Sir, I do not think that this criticism is a valid one.

"The next point raised is with regard to the payment of committee members. It is a criticism which, I should say, is groundless because there is no provision in the Bill insisting upon payment to the members of the committee. No doubt there is provision made for the expenses of the committee being met from the religious endowments.

"The last, and the most important criticism, that has been levelled against the Bill, is in regard to the diversion of funds. Sir, I must say that all the Bills that have been drafted previously contained provision for diversion of funds. In fact, the provision is intended to enable the trustees to utilize the surplus funds for useful purposes. Sir, I know as a matter of fact there are enlightened trustees who are prepared to bring into existence institutions of great utility and who are handicapped by the rigidity of law. In these circumstances, Sir, I am afraid that this provision cannot be done away with. But, at the same time, whatever suggestions the hon. Members have to offer regarding this provision, they will be duly considered in the Select Committee.

"Sir, I once again thank the hon. Members for the very cordial welcome they have accorded to the Bill. With these observations, Sir, I commend the first reading of the Bill to the hon. Members of this House." (Cheers.)

The motion that the Madras Hindu Religious Endowments Bill, 1922, be read in Council was put and carried unanimously.

The Secretary then read the title of the Bill.

The hon. the RAJA OF PANAGAL :—"Sir, I now move that the Bill be referred to a Select Committee consisting of—

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| 1. M.R.Ry. Rai Bahadur N. Gopalaswami Ayyangar Avargal. | 10. M.R.Ry. A. Ramaswami Mudaliyar Avargal. |
| 2. " C. P. Ramaswami Ayyar Avargal. | 11. Mr. E. Periyannayakam. |
| 3. " Diwan Bahadur Sir T. Desika Achariyar. | 12. M.R.Ry. Rao Bahadur P. C. Etirajulu Nayudu Garu. |
| 4. " Diwan Bahadur M. Ramachandra Rao Pantulu Garu. | 13. " Diwan Bahadur M. Krishnan Nayar. |
| 5. " Rao Bahadur C. Natesa Mudaliyar Avargal. | 14. The Raja of Ramnad. |
| 6. " Rao Bahadur T. A. Ramalinga Chettiyar Avargal. | 15. M.R. Ry. O. Tanikachala Chettiyar Avargal. |
| 7. " B. Muniswami Nayudu Garu. | 16. " S. R. Y. Ankinedu Prasad Bahadur, Raja of Chellapalli. |
| 8. " T. Somasundara Mudaliyar Avargal. | 17. " Rao Bahadur C. V. S. Narasimha Raja Garu. |
| 9. Rao Sahib Sir M. C. T. Muthia Chettiyar Avargal. | 18. " C. Ponnuswami Nayudu Avargal. |

19th December 1922] [The Raja of Panagal]

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| 19. M.R.Ry. S. | Muttumanickachariyar
Avargal. | 23. M.R.Ry. | Diwan Bahadur L. A. Govinda-
raghava Ayyar Avargal. |
| 20. „ | Rao Sahib M. C. Madurai Pillai
Avargal. | 24. „ | Diwan Bahadur C. Arunachala
Mudaliyar Avargal. |
| 21. „ | Diwan Bahadur T. N. Sivag-
nanam Pillai Avargal. | 25. „ | Rao Bahadur K. Gopalakrish-
nayya Garu. |
| 22. „ | Rao Bahadur T. Namburumal
Chettiyar Avargal. | 26. „ | C. Ramalinga Reddi Garu, and |
| | | 27. the mover.” | |

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—“ I second it.”

The RAJA OF RAMNAD :—“ May I request the hon. the Minister to consider the name of Mr. P. C. Muttu Chettiyar for inclusion in the Select Committee?”

The hon. the PRESIDENT :—“ The hon. Member the Raja of Ramnad is probably aware that he is not quite in order. If he wants to suggest any such thing he should have put forward his suggestion in the shape of an amendment to the motion. I do not think it is open to the hon. the Raja of Panagal to add another name, because I have already put the question to the House. I think we cannot entertain the proposal now.”

The motion that the Bill be referred to a select committee was put and carried.

(2)

THE MADRAS IRRIGATION BILL, 1922.

The hon. Mr. K. SRINIVASA AYYANGAR :—“ Sir, there has been a general desire expressed that more time should be given to consider this important measure before it is introduced into the Council. The Government desire that this should be done, and, as I take it that there is a very considerable amount of misapprehension with regard to the provisions of this Bill, it will be of use if I do not introduce it now. I hope to have an opportunity of removing those misapprehensions, and I therefore formally move that this item of business be adjourned to the January sitting of this Council.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“ I second it.”

The motion was put and carried.

(3)

A BILL TO PROVIDE FOR THE SPEEDY TRIAL OF MAPPILLA REBELLION CASES IN MALABAR, 1922.

The hon. Mr. A. R. KNAPP :—“ Mr. President, I beg to introduce the Malabar (Completion of Trials) Act, 1922. The Statement of Objects and Reasons, as published, has given, in some detail, the reason which led the Government to bring forward this piece of emergency legislation, and I do not think I need add very much to what is said there. As the Council are aware, the arrangements for the trial of prisoners in connexion with the Malabar rebellion have been made all through by a series of special ordinances issued by the Governor-General. At first there was the Martial Law ordinance, under which certain courts were established under the authority of the military commander, and subsequently a special tribunal was instituted. That ordinance was in force till February last. At the time when it lapsed we found that a very large number of cases had to be dealt with, which the ordinary courts of the district were not competent to deal with. A further ordinance was found necessary, and that took the form of the Malabar Restoration of Order Ordinance, 1922, under which